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1034

Complete Collection  
OF ALL THE  
L A V V S  
OF  
V I R G I N I A  
NOW IN FORCE. *Revised*  
Carefully Copied from the  
ASSEMBLY RECORDS.

To which is Annexed an  
ALPHABETICAL TABLE.

L O N D O N ,

Printed by T. J. for J. P. and are to be sold by Tho. Mercer  
at the Sign of the *Half Moon* the Corner Shop of the  
*Royal-Exchange* in Cornhil.

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To His Excellency

**F R A N C I S**

**L O R D H O W A R D,**

**BARON of EFFINGHAM,**

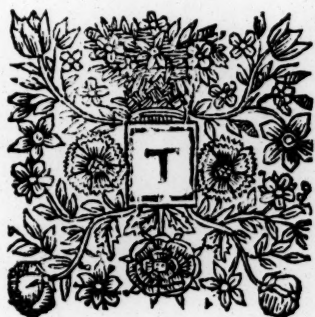
**His MAJESTIES**

**LIEUTENANT and GOVERNOUR GENERAL**

**O F**

**V I R G I N I A.**

*May it please your Excellency,*



Hough I know it a high Presumption in me to affix so great a *Name* to these *Papers*, yet I likewise very well know how hainous and apparent a *Premunire* I should incurr against all *Equity* and *Justice*, and in more particular manner against my *bounden Duty* to your Lordship, to Entitle any other to their Protection, or to set up any *Foreign Power* to be Supream and Paramount to that of your *Excellency's* over them: You my Lord being at this time seated in the great and honourable Station

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## *The Epistle Dedicatory.*

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on of *Governour General* under his most *Sacred Majesty*, of that Place which the subject Matter of these *Papers* particularly relate to.

My Lord, Those many Gracious and Regal Grants and Priviledges which his most *Excellent Majesty* and *Royal Ancestors* (*of ever blessed Memory*) have from time to time bestowed upon this his Majesties *Colony of Virginia*, since the first Settlement of the *Englisb* there, have given being to these *Laws* for the better Government thereof; it being impossible for any number of Men to be at Peace or to flourish and prosper without good *Laws*, which are the firm Pillars of Government, and the strong Bonds of all Humane Society. One had as good live in a Desert amongst Savage Beasts, as among Men without *Law* to defend him; for *Laws* are the Hedges on either side the Road, which hinders from breaking into other Mens Propriety.

*Laws* are every Mans Civil Armour, that Guards him from the Gripes of Rapine and all other Outragious Assaults and Insolencies, and indeed 'tis for this chiefly that *Laws* are of use amongst us, not only to be our Guide, but also our Shield.

The Great and Universal Monarch of the World, the Supream Being, at first, in the very Infancy of Time gave unto Man a Law upon *Parole*, inscribed in his heart, that by those inward Dictates he might be guided and bounded in the whole Course and Road of his Life; but such has the Pravity of Humane Nature been, that this Divine Inscription is in a great measure defaced; so that Kings and Princes have found it of absolute necessity to give Literal and Prescribed *Laws* for the Government and Well-being of Mankind in their respective Places and Societies.

These

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## *The Epistle Dedicatory.*

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These Papers being a Collection of the *Laws* of this Place, presume not to Instruct your *Excellency*, who in the fair Volume of your great Mind have all the *Laws* of Equity and Justice engraven, and the vast Universal *Idea* of whatever can be call'd good in Mankind is there stamp'd. But my Lord, these Papers which contain *Laws*, and therefore ought to preserve others from Calumny and Censures, yet cannot themselves; humbly crave your Excellencies Patronage, which proves a Sanctuary to all Goodness, so well as your Power is a Terror to all Vice.

The Design of this Collection of *Laws* is the Good of the Inhabitants of this Place, for *Laws* though Enacted, stand in little stead and use till they are promulgated and made known to all persons concerned in the Obedience of them: Not my Lord that I accuse all the Inhabitants here with ignorance of their Duty, but, may it please your Excellency, The knowledg of all things that are good, the more diffusive the better, and I hope my Lord, that my honest and good intent herein will lessen and expiate in some measure my presumption in this Dedication to your Excellency.

Your Illustrious Fore-fathers have been always famous for their constant and exemplary Loyalty to their *Prince*, and some of them have received the Signal Marks of Royal Bounty. Your Excellency has eminently and deservedly partaken of both, for his most Sacred Majesty (whom God grant long to Reign) seeing you treading in the same Steps of Loyalty with your Vertuous and Noble Ancestors, hath in his Princely Wisdom been pleased to entrust your Lordship with the Weighty and Honourable Employment of *Lieutenant* and *Governour General* of VIRGINIA.

How

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## *The Epistle Dedicatory.*

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How happy is his Majesty in so Wise and Faithful a Subject and Minister ! And how happy is your Excellency in serving a King whose Wisdom cannot only discern and justly value , but whose Goodness and Power can also Recompence the Merits of a Subject never so great !

But my Lord, I dare not extend my self upon your Excellencies Panegyrick , which is an infinite Subject , and requires the Pen of the most Skilful Orator : I shall therefore content my self to admire with other Men what I cannot comprehend , lest I should offend and be injurious to your Excellency by my little and weak Expressions , which are far below my thoughts , and my thoughts far below your great and high Merits ; which necessarily forces all Men ( whose happiness 'tis to know your Lordship ) to aspire , and I more than all others , to take the liberty to write and stile my self

*My most Honoured Lord,*

*Your Excellencies*

*most Humble*

*most Devoted*

*and most Obedient Servant*

*J. P.*

A  
Complete Collection  
OF THE  
**L A V V S**  
OF  
**VIRGINIA**  
AT  
A Grand Assembly  
HELD AT  
**JAMES CITY**  
23 MARCH 1662.



HEREAS the late unhappy Distractions caused frequent Change in the Government of this Countrey, and those produced so many Alterations in the Laws, that the people knew not well what to obey, nor the Judges what to punish: By which means Injustice was hardly to be avoided, and the Just Freedom of the People, by the uncertainty and licentiousness of the Laws, hardly to be preserved. This

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Assembly taking the same into their serious Considerations, and gravely weighing the Obligations they are to discharge to God, the King, and the Countrey, have by settling the *Laws*, diligently endeavoured to prevent the like Inconveniencies; by causing the whole Body of the *Laws* to be revived, all unnecessary *Acts*, and chiefly such as might keep in memory our forced deviation from His Majesties Obedience, to be repealed and expunged; and those that are in force to be brought into one Volume: And lest any prejudice might arise by the ignorance of the Times from whence those *Acts* were in force, they have added the Dates of every *Act*, to the end that Courts might rightly administer Justice and give Sentence according to Law for any thing happening at any time since any Law was in force: And have also endeavoured in all things as near as the Capacity and Constitution of this Countrey would admit, to adhere to those excellent and often refined *Laws* of *England*, to which we profess and acknowledge all Reverence and Obedience. And that the *Laws* made by us are intended by us but as Brief Memorials of that which the Capacity of our Courts is utterly unable to collect out of its vast Volumes, though sometimes perhaps, for the difference of our and their Condition, varying in small things, but far from the presumption of contradicting any thing therein contained. And because it is impossible to honour the King as we should, unless we serve and fear God as we ought. And that they might shew their equal care, they have set down certain Rules to be observed in the Government of the Church, until God shall please to turn His Majesties Pious Thoughts towards us, and provide a better supply of Ministers among us.

**B**E it therefore Enacted by the Governour, Council, and *Burgeses* of this *Grand Assembly*, That all the following *Laws* continued or made by this *Assembly*, shall be hereafter reputed the *Laws* of this *Countrey*, by which all Courts of *Judicature* are to proceed in giving of *Sentence*; and to which all persons are strictly required to yield all due obedience: And that all other *Acts* not in this *Collection* mentioned, to be to all intents and purposes utterly abrogated and repealed; unless Suit be commenced for any thing done in the time when a Law now repealed was in force: in which Case  
the

the producing that *Law* shall excuse any Person for doing any thing according to the *Tenor* thereof.

I.

Church to be built, or Chappel of Ease.

**B**E it Enacted for the *Advancement of Gods Glory* and the more decent *Celebration* of his *Divine Ordinances*, there be a *Church* decently built in each *Parish* of the *Countrey*, unless any *Parish* as now settled, by reason of the fewness or poverty of the Inhabitants, be incapable of sustaining so great a *Charge*; in which Case it is Enacted that such *Parishes* shall be joyned to the great *Parish* of the same *County*, and that a *Chappel* of *Ease* be built in such places, at the particular *Charge* of that place.

*A Church to be built in each Parish.*

*Small Parishes to have Chappels of Ease.*

I I.

Vestries appointed.

**T**Hat for the making and proportioning of the *Levies* and *Assessments* for building and repairing the *Churches* and *Chappels*, *Provision* for the *Poor*, *Maintainance* of the *Minister*, and such other necessary *Uses*, and for the more orderly *Managing* all *Parochial* *Affairs*, Be it Enacted that *Twelve* of the most able *Men* of each *Parish* be by the *Major* part of the said *Parish* chose to be a *Vestry*; out of which number the *Minister* and *Vestry* to make *Choice* of two *Church-wardens* yearly,

*A Vestry in each Parish, consisting of Twelve Men, to be chose by the Major part of the Parishioners.*

*None to be  
admitted of  
the Vestry  
without ta-  
king the Oaths  
of Allegiance  
and Supre-  
macy*

ly, as at, so in Case of the Death of any Vestry-man or his departure out of the Parish, that the said Minister and Vestry make Choice of another to supply his Room. And be it further Enacted that none shall be admitted to be of the Vestry that doth not take the Oaths of Allegiance and Supremacy to his Majesty, and subscribe to be conformable to the Doctrine and Discipline of the Church of England.

## I I I.

*Glebes to be laid out.*

*Provision  
for the Mini-  
ster.*

*His Main-  
tainance to be  
worth 80 l  
per Annum  
besides his Per-  
quisites and  
Glebe.*

**T**Hat for the better encouragement and accommodation of the Ministry, there be Glebes laid out in every Parish, and a convenient House built for the reception and abode of the Minister according to his Majesties Instructions. And that such Provision be made for his Maintenance in the valuable and current Commodities of the Countrey, as may be really worth Fourscore Pounds *per Annum*, besides his Perquisites and the Glebe: *Viz.* If in Tobacco at the rate of Twelve Shillings the Hundred, in Corn at Ten Shillings the Barrel, if in Money by Bills of Exchange, Security to be given for the certain Payment, and in Case of protest to be recovered here with Fifty *per Cent.* for Damages.

## I V.

*Ministers to be Inducted. 1642.*

*No Mini-  
ster to Offi-  
ciate without  
producing Te-  
stimonials of  
his having re-*

**T**Hat for the preservation of Purity and Unity of Doctrine and Discipline in the Church, and the right Administration of the Sacraments, no Minister be admitted to officiate in this Countrey but such as shall produce to the Governour a Testimonial that he hath recei-

received his Ordination from some Bishop in *England*, and shall then subscribe to be conformable to the Orders and Constitutions of the Church of *England* and the Laws there established; upon which the Governour is hereby requested to induct the said Minister into any Parish that shall make presentation of him: And if any other Person pretending himself a Minister, shall contrary to this Act presume to Teach or Preach publicly or privately, the Governour and Council are hereby desired and empowered to suspend and silence the Person so offending: And upon his obstinate persistence to compel him to depart the Countrey with the first Convenience, as it hath been formerly provided, by the 77 Act made at *James City* the 2 of *March*, 1642.

*ceived his Ordination of some Bishop of England.*

V.

Ministers to provide Readers. 1661.

**T**Hat every Parish not having a Minister to Officiate every Sunday, to make Choice of a grave and sober Person, of good Life and Conversation, to read Divine Service every intervening Sunday at the Parish Church, when the Minister preacheth at any other place.

*Divine Service to be read each other Sunday.*

V I.

Liturgy to be Read.

**T**Hat the Canons set down in the Liturgy of the Church of *England* for celebrating Divine Service and Administration of the Sacraments, be duly observed and kept: And that the whole Liturgy, according to the said Injunctions, be by the Minister or Reader at Church and Chappel every Sunday throughly read.

*Canons and Liturgies of the Church of England to be observed.*

C

VII. Church



## VII.

*Church Catechism.*

No other  
Catechisme  
but that in  
the Common-  
Prayer to be  
used.

**T**hat neither Minister nor Reader teach any other Catechism then that by the Canons appointed and inserted in the Book of *Common Prayer*: And that the Minister expound no other then that: **T**hat our Fundamentals at least may be well laid, and that no Reader upon presumption of his own abilities do attempt the expounding that or any other *Catechism* or the *Scriptures*.

## VIII.

*Ministers to Preach Weekly.*

Ministers  
to preach  
Weekly.  
Sacraments  
to be Admini-  
stered at least  
twice in the  
year.

**T**hat the Minister of every Parish preach constantly every Sunday : *Viz.* One Sunday in a Month at each *Chappel* of *Ease* in his Parish, if there be any, and the other in his Parish Church, and that twice a year at least he administer the *Sacrament* of the *Lords Supper* there.

## IX.

*Sundays not to be prophaned.*

The Lords  
day to be kept  
Holy.

Divine Ser-  
vice and  
Preaching to  
be diligently  
attended.

**T**hat the *Lords day* be kept *Holy*, and that no Journeys be made on that day, except in Case of emergent Necessity ; And that no other thing be used or done that may tend to the Prophaneation of that day : But that all and every person and persons inhabiting in this Countrey, having no lawful excuse to absent, shall upon every Sunday and the four Holy Days hereafter mentioned, diligently resort to their Parish Church or Chappel accustomed, then and there to abide orderly and

and soberly during the time of *Common-Prayer*, *Preaching*, or other Service of God, upon penalty of being Fined Fifty pounds of *Tobacco*, by the County Court upon presentment made by the Church-Wardens, who are to Collect the same with the Parish *Levies*: Provided always, That this Act conclude ~~not~~ *Quakers* or other *Recusants*, who out of Non-conformity to the Church, totally absent themselves, but that they shall be liable to such Fines and Punishments as by the Statute of 22 of *Eliz.* are Imposed on them; being for every Month's absence Twenty pounds *Sterling*; and if they forbear a Twelve-month, then to give good security for their Behaviour, besides their payment for their Monthly absence, according to the Tenor of the said Statute: And that all *Quakers* for assembling in unlawful Assemblies and Conventicles, be fined and pay each of them there taken 200*l.* of *Tobacco* for each time they shall be for such unlawful Meetings presented by the Church-wardens to the County Courts.

*Quakers to be presented as by 23 Eliz. Presentments of Defaulters to be made by the Church-wardens.*

X.

January the 30th. to be kept a Fast.

**W**Hereas our late Surrender and Submission to that execrable power that so bloodily massacred the late King *Charles* the First of ever blessed Memory, hath made us by acknowledging them, guilty of their Crimes, to shew our serious and hearty repentance and detestation of that Barbarous Act; Be it Enacted, That the Thirtieth of *January*, the day the said King was Beheaded, be annually solemnized with *Fasting* and *Prayers*, that our Sorrows may expiate our Crime, and our Tears wash away our Guilt.

*A yearly Fast on the 30th. of January.*

XI. May

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*A yearly Fast on the 30th. of January.*

XI. May



## X I.

*May 29th. to be kept holy.*

*The 29th of  
May to be  
Celebrated as  
an Holy day.*

*or touching  
the same day  
shall be  
observed  
as a day of  
solemnity  
and thanksgiving  
to God for the  
restoration of  
our Kingdoms  
to Peace and  
Unity.*

Since God of his Mercy hath been pleased to Restore our late distracted Kingdoms to Peace and Unity; And his late distressed Majesty to the Throne of his Royal Ancestors: Be it Enacted, That in Testimony of our Thankfulness and Joy, the Twenty-Ninth of May, the day of his Majesties Birth and happy Restitution, be annually Celebrated as an Holy day.

## X II.

*None to be Married but by Ministers, nor by them, but by Licence, or publishing the Banes.*

*Marriage to  
be performed  
by Ministers  
only, and ac-  
cording to the  
Laws of Eng-  
land.*

*None to be  
Married  
without Li-  
cence or pub-  
lication of  
Banes.*

*The Penal-  
ty.*

That no Marriage be solemnized or reputed valid in Law, but such as is made by the Minister according to the Laws of England; And that no Minister Marry any person without Licence from the Governour or his Deputy, or thrice publication of Banes according to the prescription of the Rubrick in the Common-Prayer Book, which enjoyns, That if the persons to be Married, dwell in several Parishes, the Banes must be asked in both Parishes, and that the Curate of the one Parish shall not solemnize the Matrimony until he have a Certificate from the Curate of the other Parish that the Banes have been there thrice published and no objection made against the Parties joyning together: And if any Minister shall contrary to this Act Marry any persons, he shall be Fined Ten thousand pounds of Tobacco: And any pretended Marriage made by any other then a Minister be reputed Null; and the Children born out of such Marriage of the Parents, esteemed illegitimate: And the Parents suffer such punishment as by the Law prohibiting Fornication ought to be Inflicted.

XIII. Church-

XIII.

Church-wardens to make Presentment.

**T**Hat the Church-wardens shall twice every year, *viz.* In *December Court* and *April Court*, deliver a true Presentment in Writing of such Misdemeanors, as by their Knowledge or by common Fame have been committed whilst they have been Church-wardens, namely Swearing, Prophaning Gods holy Name, or Sabbath abusing, or contemning his holy Word and Sacraments, or absenting themselves from the Exercise thereof: As also of those foul and abominable sins of Drunkenness, Fornication, and Adultery; and of all Malicious and Envious Slandering and Backbiting: for the better manifestation whereof, the said Church-wardens are Impowered to Cause all such Persons upon whose reports they ground their Presentments, to appear at the respective *County Courts*, to which the Presentments are made, to give in their Evidences concerning the same.

*Church-wardens shall make Presentments of all Misdemeanors twice in the year.*

*Presentments for what.*

XIV.

Burying of Servants or others privately, prohibited.

**W**Hereas the private Burial of Servants and others, give occasion of much Scandal against divers Persons, and sometimes not undeservedly, of being guilty of their Deaths; from which, if the person suspected be Innocent, there can be no Vindication, nor if Guilty no Punishment, by reason they are for the most part Buried without the Knowledge or View of any others then such of the Family, as by nearness of Relation, as being Husband, Wife, or Child, are unwilling, or as Servants, are fearful to make discovery if Murther were Committed: for Remedy whereof, as also for taking away that Barbarous Custom of exposing the Corps of the Dead, by making their Graves in Common and Unfenced Places,

*Private Burials prohibited.*

D

to

*Places to be  
set a-part for  
Publick Buri-  
al.*

to the prey of *Hogs* and other *Vermine* ; Be it Enacted, That there be in every Parish Three or Four, or more Places appointed, according to the greatness or littleness of the same, to be set a-part and fenced in for Places of *Publick Burial* for that *Precinct* : And further, That before the Corps be Buried, there be at least three or four of the Neighbours called, who may in case of Suspicion view the Corps ; and if none, yet according to the decent Custom of all Christendom, they may accompany it to the Grave. And be it further Enacted, That no persons, whether Free or Servants, shall be Buried in any other place than those so appointed, unless such who by their own Appointments in their life time have signified their desire of being interred in any particular place else where.

## X V.

### Church-wardens *to keep the Church in repair and provide Ornaments.*

*Churches to  
be Repaired.*

*A Great Bible, two Common-Prayer-Books, a Communion Cloth and other Ornaments to be provided.*

*Church-wardens to Collect the Ministers Dues.*

And it is further Enacted, That the said Church-wardens take care, and be impowered during their Church-wardenship, to keep the Church in Repair, provide Books and decent Ornaments : (*Viz.*) a Great *Bible*, two Comon Prayer Books, a Communion Cloth and Napkins, a Pulpit and Cushion, this present year and after annually : something towards Communion Plate, Pulpit Cloth and Bell, as the Ability of the Parish will permit : And that they the said Church-wardens do faithfully Collect the Ministers Dues, Cause them to be brought to Convenient places, and honestly pay them, and that of all their Disbursements and Receipts they give a true Account to the *Vestry* when by them required, who are impowered by a former Branch of this Act to levy the same upon the Parish, and by this to give the said Church-wardens a sufficient Discharge.

## XVI. Regi-



XVI.

Registers to be kept by the Ministers or Readers.

**W**Hereas many Differences do frequently arise about the Age of *Orphans*, and *Inquiries* are often made for persons imported into this Countrey and here deceased, and no positive Certificates can be granted of the Age of one, or Death of the other, by reason no *Registers* have been kept, which might by the Records there entered, evidence the same. Be it therefore Enacted, That the Minister or Reader of every Parish shall well, truly, and plainly Record all Births, Burials, or Marriages that shall happen within the precincts of that Parish, in a Book to be provided by the *Vestry* for that purpose, and if any Master of a Family, or other person concerned, shall omit the giving Notice to the said Minister or Reader of the day of the Birth, Death, or Marriage of any to him or them related, the space of a Month, such person for such his Neglect be Fined One hundred pounds of *Tobacco*, and that the Ministers have for their Entry of such Birth, Death, or Marriage, Three pounds of *Tobacco*, and if they neglect Entering the same as aforesaid, that they be Fined upon discovery made of the said Neglect, Five hundred pounds of *Tobacco* to the use of the Parish.

*Births, Burials, and Marriages, to be recorded.*

*The neglect to be fined.*

XVII.

Licences for Marriage how to issue.

**A**Nd whereas many times Licences are granted, and the persons are married out of the Parishes, which Licences have been usually granted by the Governours, whose knowledg of persons cannot possibly extend over the whole Countrey: Be it Enacted, That henceforward, all persons desiring Licences for Marriage, shall first repair to the Clerk of the *County Court*, and there give Bond with good Security, that there is no lawful Cause

*How Licences for Marriage are to be granted.*



*Fees for Licences how to be levied.*

*The Fees ascertained.*

Cause to obstruct their said Marriage : And that upon Receipt of such Bond, the said Clerk shall write the Licence, and Certify to the first in Commission for that County, or such other, whom it shall please the Governour to depute, that he hath taken a Bond as aforesaid, who by vertue thereof shall sign the said Licence and direct the same to the Ministers. And to the end that the Legal Grant of the said Licence may be made evident, and the Governour ascertained of his just Dues, It is further Enacted, That the said Clerk shall yearly, in *September Court* return the Names of the parties Married, and of the Security to the *Secretarys Office*, there to be recorded ; And further, That he deliver an account of the Fees due for the said Licences to the Sheriff or Collector of the County, who is hereby required to collect the same with the Levies, and to make payment thereof to the Governour and others to whom they are due ; And any Clerk making default in any of the premises, to forfeit one Thousand pounds of *Tobacco* to the use of the Governour, the Fees for the Licences to be as followeth : *viz.* To the Governour Two hundred Pounds of *Tobacco*, or Twenty Shillings *Sterling* ; To the Clerk for writing the Bond Licence Certificate, and returning the same to the Office, Fifty Pounds of *Tobacco* : And to the Secretary, for recording the same in the Office as aforesaid, Forty Pounds of *Tobacco* ; and the Minister marrying with a Licence Two hundred Pounds of *Tobacco*, or Twenty Shillings *Sterling* ; if by Banes Fifty Pounds of *Tobacco* or Five Shillings.

## XVIII.

### *Provision for a Colledge.*

**W**Hereas the want of able and faithful Ministers in this Countrey deprives us of those great Blessings and Mercies that always attend upon the Service of God ; which want, by reason of our great distance from our Native Countrey, cannot in probability be always supplied from thence : Be it Enacted, That for the Advance of Learning, Education of Youth, Supply of the Ministry, and Promotion

motion of Piety, there be Land taken up or purchased for a Colledge and Free School: And that there be with as much speed as may be convenient Housing erected thereon, for entertainment of Students and Scholars.

*A Colledge  
and Free-  
School.*

Whereas an ancient Practice of this Countrey, hath contrary to Law and Reason ignorantly vested the Lands of persons intestate in the hands of Administrators; of whom divers persons have purchased and hold their Lands by no other Titles than such Sales, which can be of no validity against the Claim of the King, whom no time can prescribe, and to whom if an heir appear not, the Land must of necessity devolve: And if the King should at any time give express Order to an Escheator to make enquiry into the Titles we hold by, the said Escheator, cannot by vertue of his Office but find all such Lands for the King; Which we *Francis Morison* and *Thomas Ludwel*, who are at present Intrusted by his Majesties Treasurer, to make composition of all Lands so escheated to his Majesty; taking into our serious Consideration, and out of our tender Care of many poor men, who by the loss of Lands, thus perhaps dearly purchased and honestly paid for, and out of our sense of the many Inconveniencies and great Damages would fall upon them by being ousted out of their Possessions, by the severity of a too rigorous Escheator; And that on the other side, we might not seem to debar his Majesty of his just Rites, we have thought it convenient to propose a certain Rule for compositions of all Lands held by any pretended Right two years, by which, while the power is in our hands, we shall proceed; and if the Assembly think it a Favour, we shall joyn with them, making it our request to *Major Norwood* his Majesties Treasurer, to get his Majesty to confine them, that no succeeding Escheator may at his pleasure rigorously exceed these our moderate and reasonable Demands.

*Lands of  
persons Inte-  
state.*

1. We concede that any person, having been two years in possession of any Land, that ought to have been vested in his Majesty by Escheat, shall pay for his Composition but One Hundred Pounds of *Tobacco*, for every fifty Acres, besides the Fees for finding the Office and drawing the Conveyance.

E

2. That

*Fees for Licences how to be levied.*

*The Fees ascertained.*

Cause to obstruct their said Marriage : And that upon Receipt of such Bond , the said Clerk shall write the Licence, and Certify to the first in Commission for that County, or such other, whom it shall please the Governour to depute , that he hath taken a Bond as aforesaid, who by vertue thereof shall sign the said Licence and direct the same to the Ministers. And to the end that the Legal Grant of the said Licence may be made evident, and the Governour ascertained of his just Dues , It is further Enacted, That the said Clerk shall yearly, in *September Court* return the Names of the parties Married, and of the Security to the *Secretarys Office* , there to be recorded ; And further, That he deliver an account of the Fees due for the said Licences to the Sheriff or Collector of the County, who is hereby required to collect the same with the Levies, and to make payment thereof to the Governour and others to whom they are due ; And any Clerk making default in any of the premises , to forfeit one Thousand pounds of *Tobacco* to the use of the Governour , the Fees for the Licences to be as followeth : *viz.* To the Governour Two hundred Pounds of *Tobacco*, or Twenty Shillings *Sterling* ; To the Clerk for writing the Bond Licence Certificate, and returning the same to the Office , Fifty Pounds of *Tobacco* : And to the Secretary, for recording the same in the Office as aforesaid , Forty Pounds of *Tobacco* ; and the Minister marrying with a Licence Two hundred Pounds of *Tobacco* , or Twenty Shillings *Sterling* ; if by Banes Fifty Pounds of *Tobacco* or Five Shillings.

## XVIII.

### *Provision for a Colledge.*

**W**Hereas the want of able and faithful Ministers in this Countrey deprives us of those great Blessings and Mercies that always attend upon the Service of God ; which want, by reason of our great distance from our Native Countrey , cannot in probability be always supplied from thence : Be it Enacted, That for the Advance of Learning, Education of Youth , Supply of the Ministry, and Promotion



motion of Piety, there be Land taken up or purchased for a Colledge and Free School: And that there be with as much speed as may be convenient Housing erected thereon, for entertainment of Students and Scholars.

A Colledge  
and Free-  
School.

Whereas an ancient Practice of this Countrey, hath contrary to Law and Reason ignorantly vested the Lands of persons intestate in the hands of Administrators; of whom divers persons have purchased and hold their Lands by no other Titles than such Sales, which can be of no validity against the Claim of the King, whom no time can prescribe, and to whom if an heir appear not, the Land must of necessity devolve: And if the King should at any time give express Order to an Escheator to make enquiry into the Titles we hold by, the said Escheator, cannot by vertue of his Office but find all such Lands for the King; Which we *Francis Morison* and *Thomas Ludwel*, who are at present Intrusted by his Majesties Treasurer, to make composition of all Lands so eicheated to his Majesty; taking into our serious Consideration, and out of our tender Care of many poor men, who by the loss of Lands, thus perhaps dearly purchased and honestly paid for, and out of our sense of the many Inconveniences and great Damages would fall upon them by being ousted out of their Possessions, by the severity of a too rigorous Escheator; And that on the other side, we might not seem to debar his Majesty of his just Rites, we have thought it convenient to propose a certain Rule for compositions of all Lands held by any pretended Right two years, by which, while the power is in our hands, we shall proceed; and if the Assembly think it a Favour, we shall joyn with them, making it our request to *Major Norwood* his Majesties Treasurer, to get his Majesty to confine them, that no succeeding Escheator may at his pleasure rigorously exceed these our moderate and reasonable Demands.

Lands of  
persons Inte-  
state.

1. We concede that any person, having been two years in possession of any Land, that ought to have been vested in his Majesty by Escheat, shall pay for his Composition but One Hundred Pounds of *Tobacco*, for every fifty Acres, besides the Fees for finding the Office and drawing the Conveyance.

E

2. That



2. That every person, having been so in possession two years, as aforesaid, shall have Eight Months time to Petition for, and make their Composition: But if they defer it longer, and another sue for it and obtain it, they can impute the Blame to nothing but their own Neglect.

3. That where there is a Widow, she shall enjoy the Land of her Husband during her life, and be admitted in the first place to make her Composition for the Fee-simple, in case she signify her desire within the time aforesaid.

4. That all Lands Escheated before the two years aforesaid, the person concerned shall pay for his Composition as aforesaid: But all Lands which shall hereafter lapse, or which have lapsed within the two years last past, the Composition to be made for, with those by his Majesties Treasurer appointed and authorized thereunto: And that the Widdow be admitted, in the first place, she making her Claim within Eight Months according to the Proposition aforesaid.

XIX.

COURTS.

Courts formerly called Quarter Courts, to be henceforth styled General Courts.

**VV** Hereas the name of *Quarter Courts*, is altogether unsuitable to the nature of those Courts held by the Governour and Council, both in respect there are but three of these Courts in the year, as also because they are not equally distributed in the Quarters of the year, *September* and *November* being too near, and *March* too long from them to admit of that Title. Be it therefore Enacted, That the said Courts be no longer styled *Quarter Courts*, but that they be henceforth called *General Courts*, a Name more suitable to the Nature of them, as being places where all Persons and Causes have generally Audience, and receive Determination.

Whereas the Acts of Assembly already made, are very defective in prescribing the Rules to be observed in the Proceedings, both in those General and the Particular  
County

*County Courts*; for want whereof many Errors are committed, the respects due to the Courts, so nearly representing his Majesties Sacred Person, by the clamorous unmannerliness of the people lost: and the order, gravity, and decorum, which should manifest the Authority of a Court, in the Court it self neglected: And in regard the long omission of those hugely material, though in themselves little things of form, hath caused all things still to continue in the first Disorders; It hath appeared necessary to this present Grand Assembly, to set down the Rules and Forms themselves, for the beginning, continuance, and proceedings in the said Courts as followeth. And it is therefore Enacted, That the *General Courts* begin and continue as followeth.

*General Courts to begin and continue.*

*Rules for the beginning, continuance, and proceedings in Courts.*

That *March Court* begin the Twentieth of *March*, if it be not Saturday or Sunday, and then the Monday following, and hold Eighteen days, not accounting Sundays in the number.

That *September Court* begin the Twentieth of *September*, if it be not Saturday or Sunday, and then to begin the Monday following, and hold Twelve days, not accounting Sundays in the number.

That *November Court* begin the Twentieth of *November*, if it be not Saturday or Sunday, and then to begin the Monday after, and hold Twelve days, not accounting Sundays in the number.

That Adjournments of the said Courts be always avoided, and that they begin precisely upon the day, that all persons knowing the day of the return of the Writs, may accordingly give their Attendance.

*Stile how Entred.*

*How the Stile of the Court shall be entred.*

That the Stile of the Court be entred thus,

At a General Court held at James City the Twentieth of  
by His Majesties Governour and Council  
in the year of the Reign of our Sovereign Lord  
CHARLES

CHARLES the Second, by the grace of God of Great Britain, France, and Ireland, King, Defendor of the Faith, &c. and in the year of our Lord God present.

Insert the Names of the Governour and Council.

Manner of  
proceeding in  
Court.

Silence commanded, then let the Cryer or Under-Sheriff make Proclamation, and say,

**O** Yes! O Yes! O Yes! Silence is commanded in the Court while His Majesties Governour and Council are sitting, upon pain of Imprisonment.

Suitors to appear.

After Silence commanded, let the Crier make Proclamation, saying,

**A**LL manner of persons that have any thing to do at this Court, draw near and give your attendance; and if any one have any Plaint to enter or Suit to prosecute, let them come forth and they shall be heard.

When Silence is thus commanded; and Proclamation made, upon calling the Docket the Cryer shall call for the Plaintiff.

Calling the Plaintiff.

**A.** B. come forth and prosecute thy Action against C. D. or else thou wilt be Non-suit.

And the Plaintiff putting in his Declaration, the Cryer shall call for the Defendant.

Calling for the Defendant.

**C.** D. come forth and save thee and thy Bail, or else thou wilt forfeit thy Recognizance.

Warrants  
for Proceedings  
to be issued  
by the  
Clerk.

For Proceedings in the said Courts, Warrants to be issued by the Clerk.

XX. Actions

X X.

*Actions to be proportioned.*

**B**E it Enacted, That Warrants be issued by the Clerks of the General Courts, and the said Clerk so proportion the number of his Actions, that there be for each day Twenty : And that until there be Twenty Actions entered for the first day, no Warrant issue for the second ; and then Twenty for the second before any issue for the third : and so proportionably Twenty *per* day, for so many days as there are Actions to fill with that number : It being unreasonable that the Governour and Council should wait a Week for a straggling Business entered at a particular mans pleasure. And in case any special Warrant issue, that for the extraordinariness of the business may require the Governours own signing : It is Enacted, That the person first go to the Clerk, and there enter his Action, and the day of the Return, before his Warrant shall be signed.

*Actions shall be proportioned to the number of Twenty for each day.*

And whereas some scruples have arisen about the time Warrants may be served, *viz.* Whether ten days before the Return, that is the day mentioned in the Writ to appear, It is hereby declared that Warrants may be served at any time, if there be ten days between the Serving and the Return as aforesaid : And further, That it may be done in Court time for the same Court, if there be ten days between the Serving.

*At what time Warrants may be served.*

F

Courts



## XXI.

*Courts to sit from Eight to Eleven of the Clock in the Forenoon, and from One to Three Afternoon.*

*How long  
Courts shall  
Sit.*

**B**E it also further Enacted, That the Court shall each day sit from Eight of the Clock to Eleven in the Forenoon; and from One to Three in the Afternoon. And for avoiding all Errors that may happen in the Draught for the Orders by the Clerk, either through his misapprehending the sense of the Court, or the partial Information of any person concerned, which he being distracted with the multitude of Business may unwittingly assent to, That all Orders of the day be by the Clerk drawn up against next Morning, and then read in open Court in presence of the Plaintiff and Defendant, if they will be present, when Rule will be given by the Court for Amendment of Errors, if any be, before they be Entred upon Record; and the Plaintiff or Defendant, if they have any new matter of Plea, shall then have liberty to plead it in Arrest of Judgment: And the Orders thus publicly read and confirmed, shall be signed by the Secretary, which shall remain upon File in the Office for the full justification of the Clerk, who is to enter them in the Book of Records.

*Amend-  
ment of Er-  
rors.*

## XXII.

*The Plaintiff to File his Declaration  
Three days before the day of Hearing.*

*Declarati-  
ons to be filed  
three days  
at least before  
Pleading.*

**A**Nd whereas the Clerk is enjoined to enter Twenty Actions for each day, and the Court to sit at certain hours, so also it is hereby Enacted, That the Plaintiff File his Declaration in the Office, at least three days before

before the day of Hearing : in which time the Defendant may take a Copy thereof , the Original still remaining in the Office , and provide his Answer in writing ready to present to the Governour and Council at the day of Hearing: And further, That if the Plaintiff fail either in not appearing to prosecute , or in neglecting to File his Declaration, as is hereby enjoyned, he shall pay to the Defendant if he lived within Fifty miles of *James City*, One hundred and Fifty pounds of *Tobacco* for a Non-suit ; and if he dwell further off, then Three hundred and Fifty pounds of *Tobacco* besides his Amercement to the Publick. And if the Defendant make default , the Judgment to pass against the Bail for the thing sued for ; or if no Bail be returned, then against the Sheriff, besides his Amercement of One thousand pounds of *Tobacco* , laid upon him by Act for not making Returns ; Provided that the Bail and Sheriff have respite of Execution until the next Court : when if they bring in the person of the Party , the Judgment of the first Court granted to be reversed , but the Amercement awarded against the Sheriff to continue and not be remitted.

*The Penalty  
of a Default.*

### XXIII

*Adjournment to the two last days for Determination of References by Avisare Volumus, or Actions entred in Court time.*

**A**Nd whereas this Act enjoyns the proportioning so many Actions to a day , but gives liberty to Arrest in Court time to the last days of the Court , and whereas some Cases of Difficulty may be presented, upon which the Court may desire to advise. Be it therefore Enacted, That as soon as the Court hath sat so many days as are filled with Actions , it shall be Adjourned to the two last days of that Court ; and whatever the Court hath referred by their *Avisare Volumus* , and all Actions entred in Court time as aforesaid , shall be then tried and determined.

*Adjournment to the two last days for determination of References by Avisare Volumus.*

### XXIV. Crimi-

## XXIV.

*Criminal Causes to be tried at the General Court.*

*Criminal  
causes to be  
Tried only at  
General  
Courts, and  
on the Fourth  
day.*

*Juries to  
be Chosen, out  
of the Neigh-  
bour-hood.*

*The manner  
of proceeding  
by Juries in  
Cases Crimi-  
nal.*

*Sheriffs to  
Impanel Ju-  
ries.*

*What Al-  
lowance Jury-  
men shall  
have for their  
Charges.*

**W**Hereas men of the greatest Abileries both of Judge-  
ment and Integrity, do usually meet at the Ge-  
neral Courts, whither their Ocasions do frequent-  
ly call them, and because any thing that concerneth Life or  
Limb, requires the ablest Juries to enquire of it: Be it Enac-  
ted, That all Criminal Causes, that concern either Life or  
Member, shall be tried at the *General Courts*, only the Fourth  
day of the said Courts; And because the Laws of *England* do  
enjoyne Juries to be chosen out of the Neighbour-hood where  
the Fact was committed; according to which the remoteness  
of our Habitations doth not admit us so fully to practice, as  
we desire; yet that we may come to them as near as possible  
we may, and because it is very requisite that part of the  
Jury, at least, should come from thence, who by reason of  
their nearer acquaintance with the business, may give in-  
formation of divers Circumstances to the rest of the Jury:  
Be it therefore Enacted, That immediately after the com-  
mitment of any person found Criminal by the Grand Inquest,  
the Sheriff of the County to whose Custody he is commit-  
ted, shall give notice thereof to the Secretaries Office at  
*James City*, and the Clerk of that Office shall presently  
send a *Venire Facias* to the said Sheriff to impanel Six men  
of the ablest and nearest of the Inhabitants of his County,  
to that place where the Fact was committed, to be of the Jury  
for Trial of that Cause, returnable the said Fourth day of  
the next General Court, where the said Jury-men are bound  
to appear, and for their Charges, the Countrey shall allow to  
each Man Twenty pounds of *Tobacco per day*, for each  
day they may be reasonably coming to, and returning from  
*James City*, and Fifty pounds of *Tobacco per day*, during  
their Attendance there about it, (*Viz.*) from the day they  
are by the Writ to appear, until they be discharged; and  
that the rest of the Jury be made up of the By-standers.

XXV. *The*



XXV.

*The Governour and Two of the Council to go the Circuit.*

**VV** Hereas the Honourable Governour out of his singular care of his due Administration of Justice in all Courts, and that he might be the better enabled to render his Majesty an exact account of the Government, hath been pleased to take upon him and the Council, the pains of Visiting all the *County Courts* of the Countrey: Be it therefore Enacted, That the Honourable Governour and one of the Council, or upon the urgent Affairs of the Countrey hindering the Governour, that the Governour commisionate too of the Council for every River, yearly in *August*, to set Judges in all the County Courts, and there hear and determine all Causes then depending in them, by Action or Reference, from any other preceeding Court in that County: Provided no Councillor be appointed to go the Circuit in the River wherein he doth inhabit.

*The Governour or Two of the Council, whom he shall Commisionate, to go the Circuit yearly.*

XXVI.

*Appeals how to be made.*

**VV** Hereas many appeals are made from County Courts to General Courts, and from General Courts to Assemblies, whereby the speedy Execution of Justice is often retarded, and many persons disabled by the Charge of going to *James City* to prosecute, are forced many times to desist from the Claim of their just Rights: Be it therefore Enacted, That for the avoiding Delays and for the ease of the Inhabitants, all Appeals made in any Court after the General Court in *March*, be referred to the Hearing of the Governour or Itenerary Councils in their Circuit, from whose Sentence there, if any person will

*Appeals from County Courts, how to be made, and to whom,*

G. appeal,



Appeals  
when they  
shall be made  
to the General  
Court.

Proviso's  
in case of Ap-  
peals.

In what  
Cases only Ap-  
pals are to be  
made from  
Northampton  
County.

No Appeals  
from County  
Courts to the  
General  
Court, save  
only in Cases  
Criminal.

appeal, if the Governour be present, shall be made to the next Assembly; if two of the Council, then to the next General Court: from which the said Councillors, during the Trial of such Cause or Causes, in which they had at the *County Courts* given their Opinions, shall be suspended; but because in the Winter time the *General Courts* are more frequent, and all Causes there receive a speedier determination, and because *Tobacco* being only then payable, may be paid in kind: It is Enacted, That all Appeals made from *October, December*, and other intervening *County Courts*, be made to the next succeeding General Court, and from thence to the Assembly, and because there may be as great Errors of Judgement or Will in matters of small value as in the greatest: It is further Enacted, That Appeals shall lie open, as aforesaid, for any thing of what value soever: Always provided, That the Appellant put in good Security for Prosecuting the Appeal, and payment of Fifty *per Cent.* Damages to the Defendant, if the Appellant be cast in the Suit for his unjust molestation: Provided also, That no Appeals be made from *Northampton County*, whose remoteness and dangerousness of passage, is such, as is not, for inconsiderable Causes to be attempted under the value limited by former Acts of Assembly, being Three thousand pounds of *Tobacco*, or Thirty pound *Sterling*, any thing in this Act to the contrary notwithstanding: And be it further Enacted, That all Causes of what Value or Nature soever, not touching Life or Member, may be tried at the *County Courts*; and that no Arrest be made to the *General Court* in any Action under the value of Sixteen hundred pound of *Tobacco*, or Sixteen pounds *Sterling*, upon penalty of Five hundred pound of *Tobacco*, to be paid by the Plaintiff to the Defendant for his Charges.

XXVII.

**Amerciaments in the General Courts  
Fifty Pound of Tobacco per Cause,  
in County Courts Thirty per Cause.**

**W**Hereas many Suits are raised upon frivolous occasions by Litigious persons, for prevention thereof for the future, be it Enacted and Confirmed, That all persons whatsoever that are cast in any Cause, be they Plaintiffs or Defendants, shall be amerced (besides the Damages and Costs to the Recoverers) Fifty pounds of *Tobacco* in *General Courts* to the use of the Publick, and in the *County Courts* Thirty pounds of *Tobacco* for the maintenance of the Commissioners; for the due Collecting whereof, be it Enacted, That the Clerks of the *General Courts*, and the several *County Courts*, keep an exact Account of the Amerciaments, and deliver or send the same to the several Sheriffs of the particular Counties, who are hereby required to collect the same with the Levies; and are accordingly empowered for Default of payment, to make Distress; and commanded not to return any Arrears (Executors and Administrators, who cannot pay without Orders, always excepted.)

Amerciaments in General and County Courts stated.

An Account to be kept of Amerciaments.

Sheriffs to collect them.

XXVIII.

**Subpœna's to be issued by the Clerk.**

**B**E it also Enacted, That the Clerk of the General Court shall issue *Subpœna's* from the Secretaries Office for all Evidences required in the Trial of any Cause there depending, if the Witnesses required do not dwell beyond the Bay, or the North side of *James River*; and if they do, that then a *Dedimus Potestatem* shall issue for taking the Deposition in the County or Counties, where the Witnesses

When the Clerk shall issue Subpœna's, and when a Dedimus Potestatem

*Evidence  
shall be given  
viva voce in  
Cases Crimi-  
nal.*

Witnesses do dwell : Provided always , That in Criminal Causes all Witnesses be bound over to give in their Evidences *viva voce* at the Trial in the General Court.

## XXIX.

Dedimus Potestatem *how to issue.*

**W**Hereas many Causes between parties and parties, are lost for want of Evidence, who living so far remote cannot, but at a Charge and Expence far exceeding the value of the Cause, be brought to give it *viva voce*, at the General Court, or at the County Courts, if the party dwell out of the County; or else a greater mischief is introduced, by the partial and illegal Examination of Witnesses in presence of but one party, before some one Commissioner, perhaps too favourably inclined to the party, in whose behalf the Depositions are taken; besides the trouble, expence, and hindrance of the Witnesses themselves, who many times are forced One hundred Miles from the Place of their Residence, for a small allowance, to give Evidence in Trials of petty and inconsiderable values; for remedy whereof, and that all Parties may with more convenience, less trouble and cost, have their Evidences impartially and legally taken: Be it Enacted and Confirmed, That if the Cause to be tried at the General Court; the Governour, if in any County Court, any one of the Council or the Judge of the Court, shall Grant and Sign a Writ of *Dedimus Potestatem*, for Examination of Witnesses, in the Counties where they dwell; directed to Three such Persons as the Plaintiff and Defendant, if they both desire the Writ, shall by consent make choice of and nominate; but if it be the single request of either Plaintiff or Defendant, then the Governour, Councillor, or Judge of the County Court, out of Court time, shall nominate and appoint three or more such indifferent Persons to Examine all such Witnesses, as by the Party desiring the Writ they shall be moved to Summon before them; and to this end the Commissioners thus made choice of, or appointed to execute the Writ, or any two of them, shall by the said Writ be empowered and required to appoint a time and place when and where they will receive the

*A Dedimus  
Potestatem  
in what Cases  
to be granted,  
by whom, and  
to whom it shall  
be directed.*



the Evidences, and to issue out *Subpœna's* for their Appearances accordingly; and if upon such Summons any of the Witnesses refuse and neglect to come and give in their Evidences, then the Commissioners or any two of them, be further impowered by this Act to lay such a Fine upon them as the Act of Assembly gives in such Cases for Non-appearance of Witnesses at the General or County Courts: Provided always; That the Parties procuring the Writ, shall give the Party concerned against him, notice of the time and place, when and where the Commissioners intend to sit, at least ten days before the day appointed by the said Commissioners for putting it into Execution. And be it further Enacted, That the said Commissioners or any two of them, which take the said Examinations, shall immediately subscribe them, seal them and the Writ up, and return them with the Writ so sealed up, to the Clerk of the General Court, if the writ issue from the Governour, or else to the Clerk of the County Court whence the Warrant issued, by either of the said Clerks to be read at the time of the Tryals of the Cause, in either of the said Courts.

*The Non-appearance of Witnesses in case of a Dedimus; Potestatem finable.*

XXX.

Penalties for Non-appearance of Evidences.

**B**E it also Enacted, That the Penalties to be inserted in *Sub-pœna's* to the General Courts for Non-appearance of the Evidences summoned, be One thousand Pounds of Tobacco, and for like Default of the County Courts Three hundred and Fifty Pound of Tobacco, and that all Witnesses summoned to give in their Evidences at either of the said Courts, shall be allowed for their necessary time spent in coming and going to and from the said Courts, Twenty Pounds of Tobacco *per* day; and for the time they attend there until they have given in their Evidences, Forty Pounds of Tobacco *per* day; and because many, maliciously to aggravate the charge of the Suit, summon many more Witnesses then are needful; Be it therefore further Enacted, That there shall not be allowed in any Bill of Costs, the charge of

*Penalty of Non-appearance upon Sub-pœna's.*

*Charges allowed to Witnesses.*

H

above



The number of Witnesses limited.

above Three Witnesses to any one Action, unless for proof of several Matters incident thereunto, which severally may require the attestation of Two Witnesses.

## XXXI.

## County Courts Appointed.

County Courts their Institution, and how to be formed.

Members of County Courts shall take the Oaths of Allegiance and Supremacy, and the Oath of a Justice of Peace.

At what places, and when County Courts shall be held.

**B**E it also Enacted for the more due Administration of Justice in the several Counties, and the greater ease of the People in obtaining the same, the Courts be continued in each County, as of long time hath been accustomed, and that the said Courts do consist of Eight of the most able, honest, and judicious Persons in the County; which Eight, or any Four of them, whereof one to be always of the *Quorum*, are to be empowered by Commission from the Governour for the time being to act, according to the Laws of *England* and of this Countrey, and to empower them severally, and out of Court, to act and do all such things as by the Laws of *England* are to be done by Justices of the Peace there. And be it further Enacted, That the Persons thus Commissionated, take the Oaths of Allegiance and Supremacy, and the Oath of a Justice of Peace, that they be called Justices of Peace, that the Courts be stiled County Courts; and further, That the Justices do keep the said Courts precisely upon the days appointed by this and former Acts of Assembly, (*viz.*)

<i>Henrico</i> the 1 day	<i>Nothampton</i> the 28 day,
<i>Charles City</i> the 3 day	<i>New Kent</i> the 28 day,
<i>James City</i> the 6 day	<i>Gloucester</i> the 16 day,
<i>Isle of Wight</i> the 9 day	<i>Lancaster</i> the
<i>Nanzemond</i> the 12 day	<i>Rappahanoeh</i> the
<i>Lower Norfolk</i> 15 day	<i>Surry</i> the
<i>Elizabeth City</i> the 18 day	<i>Northumberland</i> the
<i>Warwick County</i> the 21 day	<i>Westmorland</i> the
<i>Tork County</i> the 24 day	

And

And all Adjournments by all means possible be avoided, and that all the Justices of the said Courts respectively, shall duly attend the same, and shall not depart or absent themselves from thence without the licence and consent of the rest of the Justices there present; and if any of them shall happen to have a lawful Cause of absence, it is thought fit that in such Cases they shall upon the First day of the Court, signify the same to the Court by Writing, and that they make good proof of the Truth thereof at the next ensuing Court, or else being delinquent in the premises, every Justice so offending shall forfeit for every time of his absence Three hundred pounds of Tobacco, to be imposed by the Court, and disposed of to the good of the County.

XX XII.

*No Arrest without Entry of Action.*

**B**E it also Enacted, That all Actions to the County Courts and Subpœnas for Witnesses, or in Chancery, be first entred with the Clerk of the County, or his known Deputy, before any Arrest made or Summons served, under Penalty of Five hundred pound of Tobacco, to be levied upon the Sheriff that shall presume to serve any Process contrary to the Tenor hereof: And be it Enacted, That the Plaintiff in any Action, shall at least the day before the Court, enter his Bill of Complaint, and leave it in the Clerks hands, that the Defendant if he will may have a Copy thereof, and accordingly provide his Answer, but the Original Declaration or Bill to be always filed in the Office.

*Actions to be entred before Arrests.*

XXXIII. The

## XXX III.

*The Defendant to put in his Answer.*

*Answers to  
Declarations  
shall be filed.*

**A**ND be it further Enacted, That for the better regulating and keeping the Records, and transferring the President to Posterity, as also for prevention of new Suits upon mistake of the grounds of others, that as the Plaintiff, both in *General Courts* and *County Courts* files his Declaration, so the Defendant in both those Courts shall also put in his Answer in writing, and that the Judgement, if for the Plaintiff, be endorsed on the Declaration, if for the Defendant on the Answer, and further that all Evidences concerning that Cause, be filed together with them, and by the Clerk carefully preserved.

## XXX IV.

*Form of Enttring the Court.*

*Form of  
Entry in  
County  
Courts.*

**B**E it also Enacted, That the Form for Enttring the Stile of the Court, Proclamation for Silence, the Cryers calling the Plaintiff and the Defendant to Answer, be observed in the County Courts, as well as in the General Courts, varying only in the Title of the Court and the Assessors.

## XXX V.

*Court not to take Cognizance of any thing under Two hundred Pounds of Tobacco.*

**A**ND be it also Enacted, That the Court shall not take Cognizance of any Cause under the value of Two hundred pounds of *Tobacco*, or Twenty Shillings *Sterling*, which a private Justice may, and is hereby authorized

thorized and impovvered to hear and determine. And whereas many Vexatious persons do very much trouble the Courts and their Neighbours for babbling words, sometimes passionately but not maliciously spoken, Be it therefore Enacted, That no Action be admitted for Defamation in any Court, where the words are not Actionable; and further, that there be no words Actionable, but such as if true, might have brought the person to suffer Punishment by Law; any other to be cast out of the Court, and the Plaintiff to be Non-suited: not that liberty is hereby given or intended to any scurrilous person to abuse others at his pleasure, but that his Majesties Courts be not for such Brawls forced to wave matters of greater consequence: and because offences of this Nature may be determined by a particular Justice, who is hereby empowered to bind the persons so offending to the good Behaviour, or if they find not good security for the same, to commit them to Prison till they find it.

*Of what things Courts shall take Cognizance.*

*What Defamations are actionable.*

### XXXVI.

#### *Private Courts Prohibited.*

**W**Hereas many things are acted, and Administrations granted at private Courts, which tends to the apparent Damage of divers of the Inhabitants of this Country, Be it therefore Enacted, That no private Courts be kept, but that all business triable or grantable, by or at the County Courts, be tried and granted in open Court at the times and places by Law appointed: Provided always, That it shall and may be lawful for the dispatch of Merchants and other Sea affairs, which cannot without much prejudice and detriment to the said Merchants or Masters, be deferred till the Courts in course should come, it is Enacted, That it shall be lawful for any Justice of the *Quorum*, by his Warrant directed to the Sheriff, to call a particular Court, and to summon any person or persons before them.

*Private Courts prohibited.*

*A proviso made.*

### I

#### XXXVII. Trials



## XXXVII.

## Trials by Juries.

Juries appointed as well in County Courts as in the General Courts.

**W**Hereas the Seventieth Act made in 1642, and continued, by the Ninety first Act 1657, seems to restrain both Plaintiff and Defendant from trial by Juries, unless the Plaintiff in his Declaration, or the Defendant upon entry of his Appearance, do desire the same; which restriction is quite contrary to the Law of *England*; by which, the trial of all matters of Fact is as appropriate and inherent in the Jury as matter of Law is in the Judges; for which causes, and that we may in all our Trials come as near as may be to the Laws of *England*, by which we are to be governed, as our present Capacities will admit, Be it Enacted, That every morning the Court sits, whether the General or County Courts, the Sheriff of the County in which it sits, shall impanel a Jury to attend the Court that day, to try such Causes as the Court shall find proper to be referred to them; and that when ever a Jury is sent out, an Officer sworn to that purpose shall keep them from Meat and Drink, until they have agreed on their Verdict.

## XXXVIII.

## Grand Juries to present Offenders.

**W**Hereas the several Laws instituted and made for the redress of several Misdemeanors and Offences, either through the remissness of the County Courts, or the Justices that keep the same, or else through the Defect of the Laws, in not appointing some peculiar Officers to look narrowly after the Offenders, and to make presentment thereof to the said Justices at their County Courts; by which means the Laws themselves are slighted and contemned and become wholly useless and ineffectual: Be it therefore Enacted and Confirmed, That Juries of Inquest be Impaneled and Sworn in every County, to enquire of breach of all

all Penal Laws in their several Counties, and that they make Presentment thereof to the General County Courts twice yearly (*Viz.*) in *April* Court and *December* Court, when the Justices are to receive them, and find them according to Law, and to take for Evidence the Presentment of the Jury, if made upon the certain knowledge of any of them; or otherwise the Parties that inform the Jury to give their Evidence to the next Justice, in presence of the Party presented; which Deposition being produced by the Jury with their Presentment, shall be sufficient ground for the Court to pass Judgment against the Offenders.

Grand Juries shall in each County twice a year make Presentments.

XXXIX.

*Pillories to be Erected at each Court.*

**W**Hereas many Offences are punishable by the Laws of *England* and of this Countrey with Corporal Punishments, for executing whereof no such Provision hath been made as the said Laws require: Be it therefore Enacted, That in every County, the Court cause to be set up a Pillory, a pair of Stocks, and a Whipping-Post near the Court House, and a Ducking-Stool, in such place as they shall think convenient; that such Offenders as by the Laws are to suffer by any of them, may be punished according to their Demerits; and the Court not causing the said Pillory, Whipping-Post, Stocks and Ducking-stool, to be erected within Six Months after the Date of this Act, shall be fined Five thousand pounds of *Tobacco* to the use of the Publick.

A Pillory, a Whipping Post, and a Pair of Stocks, &c. to be set up in every County.

XL.

*Fines to be disposed of by the Assembly.*

**W**Hereas divers Trespasses against the Publick, are punishable by Fines, which are by the present Law to be disposed of to the use of the Counties in which the Trespass is committed, and yet nothing done for the good of any County, as was intended; whereby

Courts on-  
ly shall impose  
and collect  
Fines.

whereby it may be presumed that the said Fines are either not gathered, whereby the Trespassers by this lenity and impunity are encouraged to persist in their contempts of the Laws, or else the said Fines are by some evil Commonwealths-men perverted to their private uses; for prevention whereof for the future, Be it Enacted, That the Courts shall only lay and collect the Fines, and that they cause the Clerk of their respective Courts to keep an Account thereof, and to return the Estreatments to the Clerk of the Assembly at *James City*, by the third of the General Court held there in *March* yearly.

And it is further Enacted, That the said *Clerk* of the Assembly do annually attend accordingly, during the time, at the place aforesaid, to receive them, and at the next Assembly to present them to the Burgesses, who are to order the disposal of the said Fines, as to them shall seem most necessary for the good and benefit of the several respective Counties wherein they accrued due; always proportioning to every County the use of all the Fines which were levied therein.

## XLI.

*Superfedeas by whom, and how grantable.*

No Super-  
fedeas shall  
be granted but  
by the Govern-  
our, and two  
of the Coun-  
cil.

**W**Hereas the Writ of *Superfedeas*, hath of late been too frequently granted upon slight pretences of Error in the Court, thereby not only injuriously delaying Justice, and keeping Men from their just Dues, but also bringing Calumnies and Aspersions upon the Courts themselves; Be it therefore Enacted, That no *Superfedeas* whatsoever shall hereafter be granted, but by the Governour and two of the Council, nor by them, unless the party desiring it, make it probably appear to them that there is Error in the Judgment, and shall then also give good Security to make good his Plea; and if he be cast at the next General Court, to pay the Principal with Five and Twenty *per Cent.* Damages, besides Costs.

## XLII. Prisons



## XLII.

*Prisons to be built in each County.*

**W**Hereas the first Act of the Assembly held at *James City* the 3d of *November 1647*, and continued by the Assembly held there the third of *March 1657*, for prevention of Escapes for Prisoners; hath Enacted, That sufficient Prisons should be built in each County, and that an House built after the form of a *Virginia House*, (our Abilities not extending to build stronger) should be accounted a sufficient Prison, and that any person being a Prisoner for Debt or Crime: And breaking one of those Prisons, should be proceeded against as a Felon, and that neither Court, Commissioner, nor Sheriff, should be answerable for such escape, and whereas the Sixty first Act of the Assembly, held at *James City*, the said Thirteenth of *March 1657*, makes the several Counties not building such Prisons liable to the Sheriff for the escape of any person committed to his Custody; which Acts, have for want of a Penalty, never been put into Execution; for want whereof Felons may escape, and Debtors for want of due restraint delay always and defraud oftentimes, the Creditor of his just Dues, and by means thereof the Law it self made wholly void; which intended principally that all Men should by that restraint have been forced to make a speedier satisfaction: For remedy whereof, be it hereby Enacted, That according to the said Acts, a good strong Prison after the form of *Virginia Houses*, be builded within Eight Months after the date of this Act, by the Court, at the charge of the County, upon Penalty of being fined Five thousand pounds of *Tobacco*, and be answerable for Escapes as aforesaid; and the person breaking Prison, shall according to the said Act of the third of *November 1647*, be adjudged a Felon; and that no person under Execution for Debt, or imprisoned for Felony, shall have the benefit of the Rules; and all other persons having the benefit of the Rules, shall be secured and lie in Prison every night, at the Peril of the Sherrieff.

*A Prison to be built at the charge of the County.*

*Breaking of Prison shall be adjudged Felony.*

*Who shall have the benefit of the Rules.*

K

XLIII. Dwel-



## XLIII.

*Dwellers within the Rules of any Prison, not to have any benefit thereof.*

*Such as dwell within the Rules shall not enjoy the benefit of them.*

AND be it Enacted, That if the Sheriff shall permit any person dwelling within the Rules of any Prison, that is by Warrant or Order of Law committed to Prison, to walk abroad out of Prison, though with a Keeper, and to have the benefit of the Rules, or to lodge in his own House; the said Sheriff, upon Proof thereof made at the County Court by the Plaintiff, shall be ordered to pay the Debt, as in case of Escapes.

## XLIV.

*Sheriff to be chosen in the Commission.*

*One of the Commissioners of each County shall be chosen Sheriff there.*

*Sheriff's shall hold their Office a whole year and no longer.*

*The Under Sheriff.*

Forasmuch as the Commissioners of the County Courts, are by the Laws of this Country answerable for the Levies and Estreatments of each County, of which the Sheriff is usually the Collector, be it therefore Enacted, That none but one of the Commissioners of each County, shall be Sheriff for that County: And further, That the Commissioners shall exercise the Office of Sheriff successively, as they hold their places in Commission, every one a whole year and no longer: Provided, That every such Commissioner, before he be admitted to take his Oath, give in good Security for the due Execution of his Office, and Performance of the Trust committed to him, and then his Oath be administered to him. And be it further Enacted, That no Under Sheriff shall execute the Office of Under Sheriff in the same County above one Year; Provided always, That the Sheriffs of *James City*, who are more immediate Officers than any other, to the General Courts and the Publick, shall be left to the Governours free Choice: And further, That if the Governour see cause, for the better promoting any of his Majesties special Services, it shall be left to his discretion to pass by any Person, in any other Commission, and to give the Place to those in the Commission he shall think most meet to supply the

the exigent of the present Occasions, but because the Laws as well of *England* as of this *Countrey*, prohibit the Executing the Office of Sheriff by any Person two years together, the Governour is earnestly desired by the Assembly in any of his Elections not to infringe those Laws.

XLV.

*Sheriffs not making Return.*

**V** Hereas the Sheriffs, often through neglect, often for favour to the Debtors, omit the serving the Process to them directed, and making Returns thereof according to Law; by means whereof the Courts are prolonged, Justice is delayed, and the Parties by their attendance and expences very much endamaged: Be it therefore Enacted, That every Sheriff failing to make sufficient Return; (that is, That the Writ is executed, and the Name of the Bail taken of any Warrant to him directed three days at least before the day of the Return of the Writ in the General Court, and two days before the County Courts) shall be amerced One thousand Pounds of Tobacco, one half to the Plaintiff, if he sue for it, and the other half to the County: Provided, That the said Plaintiff prove the delivery of the Warrant to the Sheriff.

*Sheriffs not making timely Returns, fined 1000l. of Tobacco.*

XLVI.

*Sheriffs to take Bail.*

**B**E it also Enacted, That all Sheriffs shall take sufficient Bail of Persons arrested, and perform the Award of the Court, and if the Sheriffs shall neglect to take sufficient Bail of the Party arrested, or otherwise consent to be the cause of his escape, then the said Sheriff shall be liable to pay the Award of the Court himself; and shall also pay, in case the consent to the escape be proved, One thousand Pounds of Tobacco, one half to the Publick, the other half to the Party grieved, for his delay in recovering the Debt; but if Bail be taken, and the Party appear not to answer the Suit, then Judgment shall be awarded against the Bail: Al-

*Sheriffs shall take sufficient Bail in Arrests.*

ways

ways provided, That the Sheriff or Bail, shall if they desire it, have an Attachment against the Estate of the Party arrested and not appearing: And further, That if the Sheriff or Bail, shall the next Court after that to which the Arrest was made, bring forth the Body of the Party so arrested, to answer the Suit, then the Sheriff or Bail shall be acquitted for the Judgment passed against them.

## XLVII.

## Non est Inventus.

*The Method  
of Proceedings  
relating to a  
Non est In-  
ventus.*

**B**E it also Enacted, That if any Sheriff shall return a *Non est Inventus*, upon which an Attachment by a former Act hath been usually granted, when perhaps neither the Sheriff nor his Officer, have been at the house of the Defendants, to the great damage and disparagement of the said Defendant by having his Goods attached: Be it therefore Enacted, That henceforth the Sheriff, or his Officer, shall declare upon one of their Oaths, that he hath been at the house of the Defendants, and hath there left a Copy of his Writ, before his return of *Non est inventus* be admitted; and if he shall refuse to make such Oath, then Order to pass against him, according to the Act for Non>Returns: but if the Return be proved and allowed in Court, then after thrice summoning the Defendant by Proclamation in Court, an Attachment shall issue against his Estate, returnable the Court following; where if the Defendant appear not to replevin the Attachment, Judgment shall be granted to the Plaintiff for his Debt; being made evidently appear to the Court that it is justly due to him.

## XLVIII.

## Apprisement of Goods.

**B**E it Enacted for the equal Apprisement of Goods seized by Execution, That the Plaintiff and Defendant shall choose each of them two indifferent Men for that purpose, and in case of disagreement, the said four or three of them shall chuse an Umpire, which Umpire so chosen, shall be



be sworn by the next Commissioner to apprise such Goods indifferently, and his Umpirage to be final: And be it further Enacted, That if Plaintiff or Defendant shall neglect to appoint Apprizes within three days after Execution is served, notice being given them by the Sheriff, to whom the Execution was directed, that then the Sheriff in such case of neglect, shall chuse and appoint Apprizers either for the Plaintiff or Defendant, for apprizing the Goods by him seized upon Execution, as aforesaid: And be it further Enacted, That before such Aprizement, the Sheriff shall not remove the Goods out of the Possession of the Plaintiff, and the surplusage, if any be, returned to him; but after Apprizement made, as aforesaid, the property to vest in the Sheriff for the use of the Creditor, to whom the Sheriff shall give notice that he may take them into his own possession: And because there can be no Averment against a Record, it is further Eenaacted, That the Sheriff make return of the Execution to that Clerk of the County that granted it, by him to be entered upon Record under the Order it was issued upon; that so the Satisfaction as well as the Judgment, may be authentickly proved, if occasion require.

*Goods seized, by whom they shall be appraised.*

*Goods shall remain in the Plaintiffs possession till after Appraisalment.*

Whereas the Act for the relief of poor Prisoners, hath, contrary to the intent thereof, been extended to Men of all Capacities, and by that means an inconsiderable part of their Estates, or at least unprofitable to him whose dependance is Tobacco, according to his agreement forced for satisfaction: Be it therefore Enacted, That henceforth every Debtor under Execution for Debt shall be detained in Prison until he hath paid the Debt in kind; but that real poor Men, laid under Execution for a Debt under One thousand Pounds of Tobacco, shall still have liberty by part of their Estate by some Justice of the County indifferently assigned, and by Apprizers summoned by the Sheriff, and sworn equally to apprise the said Estate, shall make Payment thereof to their Creditor, and redeem their Persons.

*What persons shall have the benefit of the Act, made for relief of poor prisoners.*



## XLIX.

No Commissioner, Clerk, or Sheriff,  
to be Attorneys in the Court where  
they officiate.

No Commissioner, Clerk, or Sheriff, shall be Attorney in that Court wherein he officiates.

The Court may notwithstanding permit a Commissioner to plead a poor mans cause.

**B**E it Enacted, That neither Sheriff, Commissioner, Under-Sheriff, or Clerk of any Court within this Colony, shall be permitted to plead as an Attorney, in any persons behalf in the Court wherein he officiates, and the said Commissioner, Sheriff, Under-Sheriff, or Clerk offending herein, shall for every Default be fined One thousand Pounds of Tobacco, to the use of the County: Provided always, That if any poor person, not able to plead his own Cause, shall request the Court to assign him one of the Commissioners to plead for him; it shall be lawful for the Court to grant it, and for the Commissioner to plead accordingly; but the Councillor, Commissioner, &c. so pleading the poor mans Cause, not to give Judgement therein: Provided also, That any Commissioner, Sheriff, Under-Sheriff, or Clerk, acting as General Attorney for any persons, absent out of the Countrey or County, and negotiating their Affairs, and so liable to be sued for their Employers; such persons, notwithstanding this Act, shall have liberty also to Plead and Prosecute in any Cause that shall any way concern their said Employers.

## L.

Publication of Writs for Election of Burgesses.

Writs for Election of Burgesses shall be read publicly in Churches.

**W**Hereas frequent Complaints are made by the People, that they have no notice of the time appointed for the Election of Burgesses; and by that means are deprived of giving their Voices in the Election of their own representatives; Be it Enacted henceforward, That the Sheriffs of the respective Counties, shall upon the Receipt of the Writs, cause Copies thereof, with the day appointed, for the Election endorsed, to be sent to the Minister or Reader of every Parish in their County; who is

to

to read the same to the People two Sundays successively, both in the Church and Chappel of Ease to it belonging; to the end that no person may pretend Ignorance; and return the same to the Sheriff with his attestation subscribed, that he hath published the same according to the tenor of this Act; which Attestation shall be sufficient to discharge the Sheriff from blame: but if the Sheriff neglect to send Copies, as aforesaid, then to be fined Two thousand Pounds of *Tobacco*, to the use of the County; and every Freeman, after such Publication made, neglecting to come and give his Vote at the day appointed for Election, shall be amerced Two hundred pounds of *Tobacco* to the use of the County: And be it further Enacted, That if the Sheriff shall not before the day of the Return, make his due return of the Writ, with the names of the Burgesses endorsed into the Secretaries Office at *James City*, the said Sheriff so neglecting, shall be Fined Two thousand pounds of *Tobacco* to the *Publick*.

Freemen  
neglecting to  
give their  
Votes at Ele-  
ctions of Bur-  
gesses shall be  
fined 200 l. of  
*Tobacco*.

## L I.

## Publick Levies to be first paid.

**B**E it also Enacted, That no Sheriff shall, where he receives *Tobacco* of any Person indebted for his Levies, and also for Fees, and other debts due to himself or any other Officers, and not paying the whole in kind; by which means for part thereof distress must be made, shall presume to convert the *Tobacco* in kind to his own or any other use; and force the Countrey Creditor to accept of the Distress, or stay for his Debt, but that all Debts due to the Publick be first paid, and the *Tobacco* in kind paid to the Creditor of the publick, whose reputation is by these *Evasions* often vilified; and that the Sheriff making Default herein, shall be fined Ten thousand pounds of *Tobacco* to the use of the publick, upon proof thereof made in any Court of Record in this Countrey.

Debts due  
to the publick  
shall be first  
paid.

## L II. The

## LII.

The Sheriff, *upon the instance of the Treasurer or his Deputy, to collect the Quit Rents.*

*Quit Rents shall be collected by the Sheriff, and shall be paid in Tobacco or Money.*

And be it further Enacted, That the Sheriff being his Majesties immediate Officer, shall upon the instance of his Majesties Treasurer, or his Deputy here, be compelled to receive all such Quit Rents as the said Treasurer, or his Deputy, shall give him order to receive in his County; and that the said Quit-Rents be paid as the Levies, in the direct specie of *Tobacco* or Money: And that no particular Fees or Debts be preferred before them, under like penalty as for the payment of other Debts before the Levies.

## LIII.

*List of Tythables how to be taken.*

*Each County to be divided into several Precincts, for the more exact discovery of Tythables.*

*Treble Duties shall be paid for every Tythable person concealed.*

Whereas the fraud of Sheriffs, in bringing in the List of the Tythables, hath very much augmented the Taxes of the Countrey: Be it Enacted, That for the better discovery of the Number of Tythables, each County shall be divided into several Precincts; in each of which a *Commissioner* shall be by the Court appointed to take a List of the Tythables, to be brought or sent in under the hand of the Master of every Family, of the names and number of Tythables he hath in his Family; and if he bring in a false List, the said Master shall pay treble Duties; for every person so by him concealed: And be it further Enacted, That the said *Commissioner* give publick notice in Writing, to be read and set up at the door of the Church or Chappel of Ease, of the Precincts he is to take Account of, and of the day he will receive them: Provided the day be before the Tenth of *June* at farthest.

theft, at which time every person neglecting to bring in his List as aforesaid, shall be adjudged a concealer, and pay accordingly; and every *Commissioner* failing in giving notice, neglecting to take the List, conniving at others concealment, or not giving a true List of his own Tythables, shall also pay treble Duries as aforesaid: And be it further Enacted, That every *Commissioner* in *August* Court following, shall deliver the Accompts taken by him, and the Subscriptions of the several Masters of Families, to the Clerk of the County Court, who shall return an exact List of the Families to the Clerk of the Assembly, the first or second day of every *September* General Court.

LIV.

*What Persons are Tythable.*

**W**Hereas several disputes have been made of what persons were Tythable, It is hereby Enacted and Declared, That all Male persons of what Age soever, imported into this Countrey, shall be brought into the List, and be liable to the Payment of all Taxes; and all *Negroes* Male or Female, being imported, shall be accounted Tythable; and all *Indian* servants Male or Female, however procured, being adjudged Sixteen years of Age, shall be likewise Tythable; from which none shall be exempted but such Christians only as are either Natives of this Countrey, or are imported Free by their Parents or others; who shall not be lyable to the payment of Levies, until they be Sixteen years of Age, or such others, as by particular Acts of Assembly are exempted.

*Who shall  
be liable to the  
payment of  
Taxes.*

*What Per-  
sons are ex-  
empted.*

M

L V. Coun-



## LV.

*Councillors and Ten Persons to be exempted out of the Levy.*

*Councillors of State, and Ten Persons of their Family, exempted from all publick Charges and Taxes.*

*Some others also exempted.*

**B**E it Enacted, That each Councillor of State for this Countrey, shall be freely exempted from all publick Charges and Taxes for themselves and Ten of their Family, the Ministers and Church-Duties excepted; and further, That all Ministers officiateing in any Cure of this Countrey, shall for their attendance on the General Courts and Assemblies, be exempted themselves, and Six of their Family, from paying any publick Taxes: and further, That all persons that come into this Countrey, at the last coming in of Sir *Thomas Bates*, shall have their own persons exempted from paying of any publick Taxes, Church Duties excepted; and also from their personal Service in the Wars.

## LVI.

*Artificers not planting Tobacco, freed from payment of the Levy.*

*Artificers or Handycrafts men, who plant no Tobacco, are freed from the payment of Levies for Three Years.*

*Such Persons if they shall plant Tobacco contrary to the Tenor of this Act, shall pay double Levies.*

**A**Nd whereas all Persons, Artificers and others, are forced to neglect their Trades, and to plant Tobacco, meerly for the payment of their Levies: Be it Enacted, That what Artificer or Handycrafts-man soever will imploy himself and Servants only about their Trades, and not plant any Tobacco at all; every such Artificer and Handycrafts-man following his Trade and not Planting Tobacco, either by himself or servants, shall for his Encouragment be exempted from paying any Levies, either for himself or servants, for the Term of Three years, except it be for the Ministers Dues and Church Duties: Provided always, That if any person claiming the benefit of this Act; shall directly or indirectly, at home or abroad, plant or tend, or cause to be planted or tended any Tobacco, con-

contrary to the intent of this Act, or hire out his Servant or Servants to others to plant or tend *Tobacco*, he shall be censured to pay double Levies for himself and all his Tythables, to the use of the County:

## LVII.

Councillors *to raise a Levy.*

**W** Hereas the necessary Charge of the Country doth enforce the raising of an Annual Levy, which being commonly done by an Assembly, the charge of which doth most times equal, if not exceed, all other Taxes of the Country; Be it therefore Enacted, That the Governour and Council in *September 1662*, shall have power to raise and proportion a Levy to defray the Country Debts and Sallaries allowed by the Assembly, and such other Debts also as they shall find justly and necessarily due, according to the number of Tythables: Provided, the whole amount not to more then Twenty pounds of *Tobacco* per pole. And this Act to continue for three years, unless some urgent occasion present in the meantime of calling an Assembly, and that the Levy may be truly proportioned: Be it Enacted further, That every Clerk of a County Court transmit the Certificate of the number of Tythables in his County, to the Secretarys Office, in every *September* Court.

*The Governour and Council, shall have power to raise and proportion a Levy for defraying the Country Debts and Sallaries:*

## LVIII.

*No Arrests to be made on the Sabbath-days.*

**W** Hereas it hath been the frequent practice of Sheriffs and their Officers, for their own ease and benefit, to repair to the Churches and other places of Publick Meetings, on purpose to serve Warrants and Executions and other Writs; by which means Men in danger of Arrests, have been deterred from the Service

*No Arrests  
shall be made  
on Sundays,  
nor on the  
30th of Janu-  
ary or 29th  
of May, &c.*

*Prison-  
breakers, Fe-  
lons or Persons  
under suspicion  
of Felony, or  
guilty of a  
riot, ex-  
cepted.*

vice of God and the King : Be it Enacted , That no Sheriff nor his Officer, shall from henceforth execute any Writ or Warrant upon any person or persons , either upon the Sabbath-day, or upon the day of Humiliation for the Death of the late King of ever blessed Memory , or upon the days appointed for Thanksgiving for his Majesties happy Inauguration , and for the Deliverances of this Country from the too bloody Massacres , nor at the times of General Musters or Election of Burgeses. Provided always , That it shall and may be lawful for the Sheriff or any other Officer , to apprehend and carry to Prison any person or persons for Riots, Felony, or Suspicion of Felony , or escape out of Prison, when under Execution, upon any day , at any place , any thing in this Act to the contrary notwithstanding.

## LIX.

*Reward for killing of Wolves.*

**W**Hereas great Complaint is made of the frequent and many Injuries done by Wolves to the Cattle and Hogs of several Inhabitants of this Country;

*The Re-  
ward for  
killing of  
Wolves, what,  
to be paid by  
the County.*

It is therefore Enacted , for the Encouragment of those that will make it their business to kill and destroy them, that they shall be paid by the County in which they are killed ; for every Woolf destroyed by Pit, Trap, or otherwise Two hundred pounds of *Tobacco* : Provided, he make Proof before the next Commissioner how the Woolf was killed , and bring in his head , and take from the said Commissioner a Certificate thereof ; which being produced to the Court , when they are proportioning the Levy, shall be sufficient to have the said Reward raised upon the County , and to be paid to such persons as it is justly due.

LX. *Com-*

LX.

Commissioners to take Security of Sheriffs.

**B**E it also Enacted, That the Commissioners of every County, shall be answerable to the *Publick*, for all Levies laid upon their County by Act of Assembly, and for the Sheriffs performance of his place; and in regard thereof, are hereby Impowered before the admission of any Sheriff into his office, to take such Security of him as they shall think fit and sufficient to save themselves harmless, for the receiving and discharging all Publick Duties; whether Quit-Rents, Levies, or Officers Fees, committed to his Charge or Collection, and for the due performance of his Office. *Provided*, That no Commissioner shall be lyable, but such as were of the Commission when the defect was made.

*The Sheriff shall give security to the County Commissioners; for the faithful discharge of his Office.*

LXI.

Judgment before Commissioners.

**B**E it Enacted, That the voluntary Confession and Acknowledgment of a Debt by the Debtor, under his Hand and Seal before two *Commissioners*, of which one of the *Quorum*, shall be accounted in *Law* in the nature of a *Judgment*, the said *Commissioners* attesting the same under their Hands, and so certifying it to the *Clerk* of the *County Court* to enter it upon *Record*; upon which Writing so Acknowledged, Attested, and Recorded, *Execution* shall issue in case the *Debt* be not paid, as if *Judgment* had been granted for the same in open *Court*: *Provided*, That if no *Execution* issue within a Year after such acknowledgment, then a *Scire Facias* shall issue before any *Writ* of *Execution* shall issue forth.

*Acknowledgment of a Debt before Two Commissioners, shall be accounted in the nature of a Judgment, and Execution shall issue in case of Non-payment.*

LXII. Per-



## LXII.

*Persons removing into the Bay.*

**F**OR avoiding of Creditors charges and troubles in recovering their *Debts*, by reason of divers Persons removing themselves from the Places where they contracted their *Debts*, into remote *Counties*; Be it Enacted, That no Person whatsoever, shall remove out of the *County* where he dwells, unless he first set up his Name at the Door of the *Parish Church* or *Chappel* where he dwells three Sundays together, and in the same express his intent of leaving the *County*, and certifie the Place he is about to remove to, and take Certificate thereof from the *Minister* or *Reader* of the said *Church* or *Chappel*, and the *Church-wardens* of the *Parish*, to the *Clerk* of the *County Court*, who shall grant him thereupon a Licence to depart: Provided always, That if the said Person so removing pay not his *Debts* contracted before his removing, according to the tenor of the specialties by which they are due; it shall be lawful for any of his *Creditors* by a Warrant from the *Secretaries Office*, to bring the *Debtor* personally before the *Governour* or any of the *Council*, for what value soever the *Debt* be of, and there put in sufficient security for performance of his Obligation according to the tenor thereof, in case the day of payment be not past (any restriction in any other Act to the contrary notwithstanding) and then to take out Execution against his Body or Estate for satisfaction of the said *Debt*.

No Person shall remove out of the County where he dwells, without setting up his Name on the Church or Chappel door, three Sundays, with his intent to remove, and whither.

Cattle shall not be removed out of the County without notice first given to Four of the Neighbourhood.

No Merchant or Mariner shall transport any person out of the Countrey without Certificate.

And be it further Enacted, That if any Person or Persons, shall before or after Certificate obtained as aforesaid, remove or transport any Cattle out of the *County* he dwelled in, without notice given to Four of the nearest Inhabitants, who are hereby required to take special notice of the Ear-Mark, and Colour of the Cattle to be removed, and make a List of them and their Marks, and carry the same subscribed by the said Viewers, to the *Clerk* of the *County Court* to be Recorded, he shall upon lawful Conviction, forfeit for every Beast transported contrary to the tenor of this Act, One thousand Pounds of *Tobacco*, one half to the Publick, and the other half to him that shall make the complaint against the Party so offending: And if any Merchant, Mariner, or any other Person whatsoever, shall transport any Person or Persons out of

of his *County*, without Certificate as aforesaid, the said Merchant, Mariner, or other Person, so offending, shall be liable to the payment of all the *Debts* and *Engagements* of the Party transported, being due at the time of his removal.

## LXIII.

## English VWeights and Measures.

Whereas daily Experience sheweth that much fraud and deceit is practised in this Collony by false Weights and Measures, for prevention thereof, Be it Enacted, That no Inhabitant nor Trader hither, shall buy or sell, or otherwise make use of in Trading, any other Weights or Measures than are used and made according to the Statute of

English  
Weights. and  
Measures  
shall be used in  
this Collony.

in that case provided; and for discovery of abuses, Be it further Enacted, That the Commissioners of every County, do provide at the charge of the County, sealed Weights, of *Half hundreds, Quarterns, Half Quarterns, Seven Pounds, Four Pounds, Two Pounds, One Pound*, Measures of *Ell and Yard, of Bushel, Half Bushel, Peck, and Gallon, of Winchester Measure, Gallon, Pottle, Quart, Pint, of Wine Measure* out of *England*; and that the said *Weights and Measures* be kept by the first of every Commission at his house, and with them a burnt Mark of and a Stamp for *Leaden Weights, and Pewter Pots*, whether all Persons not using Weights and Measures brought out of *England* and sealed there, shall bring all their Barrels (which are to contain *Five Bushels*) and other Measures, to be sealed, and their Stilhars to be tried; and all Persons selling by other Weights or Measures not sealed and tried as aforesaid, shall forfeit One thousand Pounds of Tobacco, one half to the Publick, the other half to the Party that shall make his complaint; and if the Commissioners shall make default of producing such Weights, Measures, Scales, and Stamps, as by this Act they are enjoined by the first of *December 1663*, the said Commissioners shall be fined Five thousand pounds of Tobacco to the use of the Publick.

Every Coun-  
ty shall be pro-  
vided with  
Weights and  
Measures  
from England.

## LXIV. Coun-

## LXIV.

## County Courts to grant Probates and Administrations.

Probates of Wills and Administrations upon the Estates of persons dying Intestate, may be granted by the County Courts.

**B**E it Enacted, That the County Courts shall be impow-  
ered to grant Probates of Wills, and Administrations upon the Estates of persons dying intestate, to take Security and receive the Inventories of the said Estates: Provided, That the Clerk of the County Court, when he sends or carries the said Probates, or Commissions of Administrations to be signed, do then also certify into the Secretaries Office the name of the Testator or the party deceased, the Executors or Administrators, and their Security; the County and Parish where they dwell, and the Court wherein the Administration is granted, to the end that strangers and others Creditors, invested in the Estate, may be the better enabled to find out the Records, in which the account of the Estate is entred; and be informed how they may come to their just dues.

## LXV.

## Administrations to whom to be granted.

No Administration shall be granted, till Nine Months after the parties decease; except to the Widow or Child.

**V**Hereas Commission of Administration are suddenly obtained, and the Estate as suddenly disposed of, under the pretence of greatest Creditor, or next of Kin; whereby oftentimes they that really are so, are the one defrauded of his just Debt, and the other debarred of his Right and Interest, before either can have notice of the parties Decease: Be it therefore Enacted, That no Administration be granted, until Nine Months after the parties Decease; except to the Widow or Child, and then to be immediately granted; the said Widow or Child bringing in sufficient Security for performing all things the Law requires, and saving the Court harmless: And be it further Enacted, That in case the said Widow or Child do Administer, the Estate shall be inventoried, and Apprizement made by four Men appointed



pointed by the Court, and sworn by a Justice of that Court as formerly; which Inventory and Apprizement shall by the said Widow or Child, be brought into the next Court held in that County, unless the Court for Reasons shewed them, may think fit to grant Liberty to bring it in the Court; but in Case the Decedent die without Widow or Child, Then it is Enacted, That the Estate for the better Improvement thereof, be sold by the Court at an Out-cry, and the Purchasers all putting in Security and acknowledging Judgments for their Debts; which by the Court shall be Assigned to the several Creditors of the Decedent, and paid according to the priority in Law, and the surplusage remaining (if any) to be delivered to the next Kinsman of the Decedent, if he appears; or if none prove himself such within three years, then the Court to give an account of the said Surplusage to the Assembly, who are to dispose of the same to the use of the County, allowing to the Court, or whom they intrust for the managing of it, for his reasonable costs and pains. And when the Widow, or Child, administers (the surplusage after Debts paid, and the Funeral charge, according to the quality of the person, allowed for) shall be equally divided between the Widow and Children, (*viz.*) one full Third of the Personal Estate to the Widow, and the other Two Thirds among the Children, if any of which die before it come to Age, his Proportion to be divided among the surviving Children: And whereas it hath been the frequent evil practice of Administrators, as soon as they have obtained an Order to administer, to act as Administrators by Virtue of that Order, without giving security, or taking out their Commissions, so that the Estate being imbezelled away, no account can be given thereof: Be it therefore Enacted, That whoever pretends to administer upon any Estate, shall bring to the Court sufficient security before the Order shall be granted; and an Order thus obtained legally, by giving such security, to be truly accountable to bring in a true Inventory, and to perform such things as the Administrators by Law are enjoined, shall not at any time after be reversed, unless the Party that obtained the same die before he hath given an account of the Estate, and obtained his *Quietus*, in which case, the Court is impowered to grant the Administration of that Estate so not accounted for, to some other Person, who may by Virtue thereof, call his Heirs, Executors, or Administrators of the former Administrators, to account; who shall pay out of the said deceased Administrators Estate, all

O

such

*The Widow to have one third of the Estate (Debts being first paid) the other two thirds to be divided amongst the children.*

*Administrators shall give in security to the Court.*



such Debts as shall be found due to the Estate he administered upon, in the first place.

## LXVI.

*Concerning Orphans.*

**C**ONCERNING Orphans Estates, Be it Enacted, That all Wills and Testaments be firm and inviolable, unless the Executors or Overseers, do refuse to execute the Trust reposed in them by the Testator, in which case, the Court may appoint others to act according to the Will; but if the said Will be so made that no Person will undertake the managing of the Estate or Education of the Orphans, according to the tenor of it, then that the Estate by the appointment of the Court shall be managed according to the Rules set down for the ordering the Estate of persons Interstate, as followeth :

*Orphans shall be maintained by the Interest and increase of their Stock if sufficient, if not shall be bound Apprentices.*

First, That no account be allowed for Diet, Cloths, Physick, or else against any Orphans Estate, but they to be Educated and provided for, by the Interest of the Estate and Increase of their Stock, according to the proportion of their Estates, if it will bear it; but if the Estate be so mean and inconsiderable, that it will not extend to a free Education, then it is Enacted, That such Orphans shall be bound Apprentices to some Handycraft Trade, until One and twenty years of age; except some Kinsman or Relation will maintain them for the Interest of the small Estate they have, without diminution of the Principal: which, whether great or small, always to be delivered to the Orphan at the years appointed by Law.

*Cattle, Horses and Sheep shall be returned in kind.*

That all Cattle, Horses, and Sheep, be returned in kind by the Guardian according to the age and number when as he received them; and because several had, before the first making of this Act Estates of Orphans in their hands, which they kept for the male increase and giving the yearly Accompt of the augmentation or diminution of the Orphans Stock, which by the carelessness or wickedness of the Guardians was usually consumed before they came to age, and disputes thereupon arise in the several Courts, how such persons should

should be proceeded with, and Accounts of Orphans Estates, how to be given them; it is hereby declared, That all persons possessed of Orphans-Stocks, before the first making this act, shall be bound to deliver to the Orphan, when he comes to age, such and so many of any kind as he was possessed of, when he gave his account to the next Orphans Court succeeding the Publication thereof.

That all Plate and Money be preserved and delivered in kind, according to the weight and quantity, that other Household Stuff and Lumber be appraised in Money, and the value thereof paid by the *Guardian* to the *Orphan*, when he comes to age in the Country, Commodities at the price current, as it shall be worth at the time in the place where the *Orphan* Estate is managed.

*Plate and Money shall be also returned in kind, or other Household-Stuff shall be appraised and sold.*

That the Court take able and sufficient security for *Orphans* Estates, and enquire yearly of the Security; and if the Court see Cause, to have it changed and called in, and placed as the Court shall think fit, the said Court to inquire also whether *Orphans* be kept, maintained and educated according to their Estates; and if they find any notorious defect to remove the *Orphans* to other *Gaurdians*, and also for those that are bound Apprentices, to change their Masters if they use them rigorously, or neglect to teach them their Trades. That no more be allowed to *Guardians* for Collecting of Debts due to any Estate than Ten in the Hundred, the usual allowance of Merchants to their Factors and Attorneys.

*Ten per Cent allow'd to Guardians for collecting Debts due to Orphans.*

That Thirty Pounds of *Tobacco* per day, be allowed to each Apprizer for Apprizement of any Estate, (if they will take it) and no more. That no allowance be made by the Court of excessive, Funeral expences, but that a Regulation thereof be made according to the proportion of the Estate and the quality of the person.

*Allowance for Appraisement, and for Funeral Charges regulated.*

## LXVII.

**Orphans Land *not to be* Aliened.**

**B**E it also Enacted, for the future benefit of all *Orphans*; That the several County Courts, do take into their serious Consideration and Care, that the Lands in their County belonging to any *Orphan*, be not aliened, sold, or taken up, as deserted Land by any persons during the minority of the *Orphan*, and that the *Guardians* or *Overseers* of any *Orphan*, do not Let, Set, or Farm out any Land belonging to any *Orphan*, for longer Term than until the *Orphan* be of age; and that an especial care be had, that the Tenant shall improve the Plantation, by planting an Orchard and building a good House; and that the Tenant be bound to maintain good Fence about the Orchard, and keep the House in sufficient repair, and leave it Tenantable at his surrender, and that Provision be made in the Lease for preventing all waste of Timber, or imploying it to any other use, then the use of the Plantation.

*Timber upon Orphans Land, not to be wasted, and the Houses to be kept in repair.*

## LXVIII.

**Grants of Land.**

**B**E it hereby Enacted, That any person or persons, claiming Land as due by Importation of Servants, shall first prove their Title or just Right before the Governour and Council, or produce Certificates from the County Courts to the Secretarys Office, before any Survey be made or Grant admitted; it being unreasonable that others furnished with Rights should be debarred by Pretence of a survey which in it self is no Title.

*How persons claiming Land by importation of Servants, must prove their Title.*

## LXIX. Defeat-



LXIX.

*Deserted Lands.*

**B**E it also Enacted, That no Patent of Land shall hereafter pass upon pretence that the Land is deserted for want of planting within the time of Three years, unless proof thereof be made before the Governour and Council, and an Order obtained from them for the Patenting thereof; neither shall the first Petitioner for any Deserted Land be denied of having the first Grant, he making his Rights appear, when he Petitions for the Land. And whereas the former Act concerning Deserted Lands, reserved to the first taker up, his Rights to take up Land in an other Place: It is here Enacted, That in regard he hath had the benefits of his Rights, held the Land in Possession, might make use of the Timber without contradiction, and yet neither pays the King any Rents, nor suffers him to admit any new Tenant; that the Rights as well as the Land shall be forfeited, and the Grantee made incapable of using any of them afterwards: Provided, That any Person having taken up Land deserted before the making of this Act in November 1652, shall not by Virtue of this Act, be outed of Possession.

*No Deserted Land shall be taken up by Patent, till after the term of Three Years, without Order obtained of the Governour and Council.*

LXX.

*Seating upon others Dividends.*

**W**Hereas divers Suits have risen about seating ignorantly upon other Mens Lands, for deciding the same; Be it Enacted, That if any Person whatsoever, hath built or seated upon any Lands supposed his own, but proving by a just Survey, to belong to another, the charge of such building, seating, or clearing, shall by Twelve Men upon their Oaths be indifferently valued, and the consideration by the said Twelve Men so adjudged, shall be paid by the Owner of the Land, to the first Seater that was at the charge; but if that shall amount to more than the said Owner is willing to disburse, then the said Twelve Men shall

*Any Person who has built upon Lands supposed his own, but upon Survey prove to belong to another, shall have the charge thereof allow'd by the right Owner.*



*Or else shall  
Purchase the  
Land.*

*Twelve  
Men upon  
Oath, are to  
decide any  
Controversy  
arising there-  
upon.*

shall make a valuation of what the Land was worth before the Seating thereof, which the Seator shall accordingly pay to the true Owner: Provided always, That no consideration shall be allowed for building or clearing, to any Person that shall obstinately persist after lawful warning given him to desist.

## LXXI.

### *Not to shoot or range upon other Mens Lands.*

*No Person  
shall hunt or  
shoot within  
the limits of  
an others Di-  
vidend, with-  
out leave of the  
Proprietor.*

**W**Hereas the Rights and Interests of the Inhabitants are very much infringed by the hunting and shooting of divers Men upon their Neighbours Dividends, contrary to the Priviledges granted them by their Patents; whereby many injuries do daily happen to the Owners of the said Land: Be it Enacted, That if any Planter or other, shall hunt or shoot within the limits of an others Dividend, without leave first obtained from the Proprietor, he or they so offending, shall forfeit for every such Trespass, Four hundred Pounds of Tobacco, one half to the Owner of the Land, and the other half to Publick Uses; notwithstanding it shall be lawful for any Person or Persons to hunt or shoot upon any Dividend of Land not planted or seated, though taken up without restraint or penalty: Provided also, That it shall be lawful for any Person that hath shot any Game without the limits of any other Mans Land, to pursue the same into any Mans Dividend, and freely to carry away the same, as also to seek or fetch his own Cattle or Hoggs off of any Mans Land, first giving notice to the Owner of the Land of his intent, and of the time he intends to stay upon it; to the end that the said Owner may, if he think fit to send one to see what Cattle or Hogs he drives away: Provided always, That it shall be lawful for the Governour to Commissionate some Gentlemen to give Licenceto Persons to hunt wild Hogs upon any Mans Land without their fenced Plantations.

*Cattle not  
to be fetch'd off  
of anothers  
Land, till after  
notice given  
him thereof.*

*Licences for  
hunting wild  
Hoggs,*

## LXXII. Lands

## LXXII.

## Lands Five years in Possession.

**W**Hereas sundry Suits and Controversies have been, and daily do arise, about Claims and Titles to Lands, to the great impoverishing of divers Persons; for remedy whereof, and for the better Establishing the Inhabitants in the Rights and Possessions hereafter: Be it Enacted, That all Persons whatsoever, that have or do pretend any Title to any Land, shall prosecute their Claims before the said Land hath been peaceably enjoyed Five years; otherwise it shall be a good Plea in Bar for the Possessor of such Land claimed or possessed, to affirm he hath had peaceable Possession without Claim by Commencement, or Prosecution of Suit full Five years; proof whereof, shall be a sufficient Confirmation to the Possessor, and shall conclude the Claim and Title of the Pretender; and this Act to extend to all such as have not prosecuted their Title within Five years, since the 6th day of *October* 1646: Always provided, That the limitation of Five years in this Act expressed, shall not bar Orphans nor Widows under Covert, nor Persons out of the Country, nor Persons of unsound Minds: But that the said Orphans shall have Five years after they be of age, Women Five years free from Coverture, (*viz.*) if she marry again before her Five Years are expired, and her Husband omit to make claim, his omission shall be a good bar against him; but if the Woman survive, she shall have so long time allowed her to claim in as will make up the first time of her freedom, five years: Persons of unsound Mind, five years after their recovery from their impotence; Persons out of the Country, five years after their arrival into the Country: Provided they come in within two years after the Title to the Land became due, in which times if they claim not as aforesaid, to be utterly barred for ever; for otherwise the expectation of Heirs out of *England*, where there is none born here, must in a short time leave the greatest part of the Country un-seated, and un-peopled, no Man knowing how or of whom, either to Purchase or take Lease.

*Five Years  
peaceable  
possession of  
Land, shall  
confirm a  
Title thereto.*

*This Act  
shall not ex-  
tend to Wi-  
dows, Orphans,  
or Persons of  
an unsound  
Mind.*

*Nor to such  
as live out of  
the Country.  
Care taken  
in such Cases.*

## LXXIII. Against

## LXXIII.

*Against Fraudulent Conveyances.*

*Conveyances of Estates shall be acknowledged before the Governor at the General Court, or before the Justices at County-Courts.*

*And shall be Registered within Six Months.*

*Otherwise shall not be valid in Law.*

*Who are exempted from this Act.*

**B**E it Enacted and confirmed, That no person or persons whatsoever shall pass over by Conveyance; or otherwise, any part of his Estate, whether Lands, Goods, or Cattle, whereby his Creditors not having notice thereof, might be defrauded of their just Debts; unless such Conveyance or other Deeds be acknowledged before the Governor and Council at the General Court, or before the Justices at the County Courts; and there Registered in a Book for that purpose, within Six Months after such alienation: and whoever shall make over or alienate any part of his Estate, otherwise than is here expressed, the same shall not be accounted valid in Law, nor shall it bar any Creditor by seizing the same by Law for satisfaction of the Debt, the Property of the Estate not being legally vested in any but the first Vendor: And it is further Enacted, That any conveyance made, and acknowledged, and recorded, shall not be held good in Law, against any Creditors or former Purchasers, until Four Months after such acknowledgment made and recorded, in which time the Creditors or former Purchasers, may shew for what cause the said Conveyance is to be accounted fraudulent; but if none appear within the said Four Months after the first acknowledgment in Court, then the Sale shall be for ever after good against all other claimers or pretenders whatsoever, unless such as pretend to overthrow the first Sellers Title, in whom only five years possession can bar: Provided, That this Act shall not extend to such persons who for satisfaction of just Debts, shall make a Bill of Sale of their Estates, or any part thereof, and deliver it *bona fide* into the Possession of the Creditor; but such Act shall be good and valid to all intents and purposes, this Act being made only to prevent fraud and deceit.

LXXIV. *Quit-*



## LXXIV.

Quit-Rents *how to be Paid.*

**W**Hereas his Majesty hath by his Commissioners appointed a Treasurer to receive the Quit-Rents and others Fees and Profits due to his Majesty ; and the payment of Quit-Rents being due in Money , which we, being destitute of Coin, cannot procure : Be it Enacted, That those persons that cannot procure Money , shall pay their said Rents in *Tobacco* , at Two pence *per* Pound , to such Collector or Collectors , as by his Majesties Treasurer shall be appointed ; and that the Country paying the Rents double , the two next years shall be acquitted from all Arrears, by assent of the Honourable Sir *William Berkly*, who is Authorized by the Treasurer to make Composition.

Quit-Rents may be paid in Tobacco at two pence per Pound.

## LXXV.

## Surveyors of Land.

**B**E it Enacted that Surveyors of Land shall demand no more than Twenty Pounds of *Tobacco* , for Measuring One hundred Acres of Land , if the parcel exceed Five hundred Acres , but if under, to be allowed One hundred pounds of Tobacco , and for the same shall deliver an Exact Plot of each parcel Surveyed and Measured ; and if any Surveyor upon reasonable Demand , shall refuse to Measure the Dividend for any person whatsoever ; for the Consideration and Satisfaction aforesaid ; such Surveyor shall be liable to the Censure of the Court in that County where he liveth ; and if any Surveyor shall be desired to go further from his place of Residence , then he can return in one day ; such Surveyor shall have the Allowance of Thirty pounds of *Tobacco per* day , for every days Absence from his Dwelling ; and if his passage cannot be but by Water , then such persons as shall imploy him , shall

Q.

provide

What prizes shall be allowed for the Surveying of Lands.



provide for his Transport out and home : Provided no Pay to be received before the Plot delivered.

## LXXVI.

*Land to be plainly Marked and Bounded.*

*No Survey-  
or shall give a  
Plot of any  
Land Survey-  
ed by him, till  
Six Months  
after the  
drawing  
thereof.*

**W**Hereas many contentious Suits do arise about Titles to Land, occasioned much through the fraudulent and under-hand-dealing of Surveyors; who frequently make sales of the Surveys by them made in the behalf of one person to another; whereby often times he that had the first and justest Right, is unjustly deprived of his Due; for prevention whereof for the future, Be it Enacted and ordained, That no Surveyor of Land shall give a Plot of any Land surveyed by him unto any person whatsoever, until Six Months after such Plot is drawn, according to its Survey; and that all Land surveyed, shall be at the surveying thereof plainly marked and Bounded; for all persons to take notice of; that none may by the Ignorance of the bounds, intrench upon another Right; and the persons offending, either in giving out of Surveys contrary to this act, or not sufficiently marking his Bounds, to forfeit Five hundred Pounds of Tobacco, for every Hundred Acres the Survey shall be given of to the use of the Country.

## LXXVII.

*What Fences shall be sufficient.*

*Fences shall  
be four foot  
and a half  
high, other-  
wise no Da-  
mage to be  
allowed for  
trespasses.*

**B**E it also Enacted and Confirmed, by this present Grand Assembly, That every Planter shall make a sufficient Fence about his cleared ground at the least four Foot and a half high; which if he shall be deficient in, what trespass or damage soever he shall receive or sustain, by Hogs, Goats, or Cattle, shall be his own loss and detriment; and also if it shall happen, that any person shall hurt any of the

the said Horses, Mares, Hogs, Goats or Cattle, that shall so offend and do them harm, he shall make satisfaction for any of them that shall be so hurt to the owners of them, to be recovered in any Court of Justice within the Collony: And it is further Enacted, That where any Horses, Mares, Cattle, or Hogs, shall endamage any person for want of such Fence, as aforesaid; and the party damnifying, do wilfully kill, or otherwise hurt, so as the Cattle, Hogs, Horses, or Mares, do die of such hurt, whether by Dogs set upon them or otherwise; in such case, the owner of the ground shall not only be liable to satisfy the value of such Horses, Mares, Hogs or Cattle, but by virtue of this Act, be adjudged to satisfy double the value of such Horses, Mares, Hogs or Cattle so killed, to the owners of them. And further, be it Enacted, That where the Fence shall be adjudged sufficient (*Viz.*) Four foot and a half high, and close down to the bottom; that in case any Damage or Trespas be then done or committed to any person having such Fences, by either Horses, Mares, Goats, or any other Cattle whatsoever, the owners of such Horses, Mares, &c. shall be liable to make satisfaction for their Trespas and Damage to the person injured, in case the Fence be found by two honest men, appointed by the next *Commissioner*, to be sufficient.

Satisfaction  
in case of Trespas.

## LXX VIII.

### Bounds of Lands to be every Four years renewed by the view of the Neighbour-hood.

**W**Hereas many contentious Suits are dayly incited and stirred up about the bounds of Land; for which no remedy yet hath been provided: The 57th Act prohibiting Re-Surveys, not applying the expected Remedies, for if the Survey be just, yet Surveyors being for the most part careless of seeing the Trees Marked, or the owners never renewing them, in a short time the Chops being grown up, or the Trees fallen, the bounds become as uncertain as at first: And upon a new Survey, the least variation of a Compass alters the scituation of the whole Neighbour-hood, and deprives many persons of Houses,

*Bounds being once settled by the consent of the Proprietors, shall take off all Claim to future alteration thereof.*

*Days to be appointed upon which Procession shall be made.*

Houses, Orchards, and all to their infinite loss and trouble: for prevention whereof, Be it Enacted, That within Twelve Months after this Act, all the Inhabitants of every Neck and Tract of Land adjoining, shall go in procession, and see the marked Trees of every mans Land in those Precincts to be renewed, and the same Course to be taken once in every Four years; by which means, the Inconveniency of *Clandestine Surveys* will be taken away; and the Bounds will be so generally known, and the Marks so fresh, that no alteration can be made afterwards. And be it further Enacted, That the Bounds by the consent of the present Proprietors, being once thus settled, shall conclude the said Proprietors, and all others claiming from or under any of them, from any future alteration of their Bounds, be there within the said Bounds more or less Lands than they pretend to; and if it shall happen any difference to be at present, that cannot be by the Neighbours themselves decided: Be it further Enacted, That two honest and able Surveyors, shall in presence of the Neighbour-hood lay out the Land in Controversie, and the Bounds laid out to be the certain Bounds; and ever after to be renewed and continue so (but the person causing the Difference to pay the Charge of the Survey) it tending much more to the preservation of Friendship among Neighbours, to have a present and final Decision of their differences, while Men yet live that are acquainted with the first Surveys, and while Land is yet at a low Value, then it will be when time hath raced out all knowledg to the Bounds, and added a great Value to the Land: Be it Enacted further, That each County Court shall appoint and order the Vestries of each Parish to divide the Parishes into so many Precincts as they shall think necessary for the Neighbours to joyn in and see each others Mark renewed, and to appoint certain days between *Easter* and *Whitsontide*, to go the said Processions, and put this Act into effectual Execution; and in case the Court shall omit to make such orders, and to send the same to the several Vestries of the Parishes in their Counties, they shall be fined Ten thousand pounds of *Tobacco*, and the Vestries failing to order the Precincts and the Persons to go together, shall be fined Twelve hundred pounds of *Tobacco*, and the person failing go upon the day appointed, or to renew his Mark accordingly, shall for his neglect be fined Three hundred and fifty Pounds of *Tobacco*.

LXXIX. Sur-



LXXIX.

Surveyors for High Ways.

**VV** Hereas through the frequent Alterations of the High-ways, by felling of Trees over them, and many times taking them into fenced Plantations, to the great hindrance of Travellers and Traders; Be it therefore Enacted, That the Justices do yearly in *October Court*, appoint Surveyors of the High-ways, who shall first lay out the most convenient ways to the Church, to the Court, to *James Town*, and from County to County; and make the said ways Forty foot broad, and make Bridges where there is occasion; and the Ways being thus laid out and Bridges made, they shall cause the said Ways to be kept clear from Logs, and the Bridges in good repair; that all his Majesties Subjects may have free and safe Passage about their occasions: and to effect the same, the Vestries of every Parish, are upon the desire of the Surveyor, hereby enjoyed and impowered to order the Parishioners, every one according to the number of Tythables he hath in his Family, to send Men upon the days by the Surveyors appointed, to help them in clearing the Ways or making or repairing the Bridges, according to the intent and purpose of this Act; and if any Court shall omit the appointing Surveyors, or they neglect the executing their Office, or the Vestry to order the Work, or any person to send help, according to the said Vestries order, the said Court Surveyors, Vestry, or Person, shall be amerced Five hundred pound of *Tobacco* to the use of the County: And if any person shall contrary to this Act, fell Trees upon the High-ways, and not clear the same, or inclose any part of the said High-ways within any fence, the Grand Jury shall present the same as a common Nuisance, and the Inclosure shall be thrown open, and the offender be fined One thousand pound of *Tobacco*, to the use of the County; and if any Counties have Creek or Swamp, limiting the bounds between the said Counties, it is Enacted, That both Counties bounding upon such Passage, shall contribute to the making the Bridge, or making the way over it.

*The Justices shall yearly appoint Surveyors of the High-Ways.*

*High-Ways shall be kept clear, and Bridges in good repair.*

*Vestries of each Parish shall take care thereof.*

*The Penalty of Felling Trees on the High-Way, or encroaching upon the same.*

R

LXXX. Tobacco



## LXXX.

## Tobacco when to be demanded.

Tobacco  
due shall be de-  
manded, be-  
tween the  
Tenth of  
October and  
the last of Ja-  
nuary.

Whereas many *Creditors* for several By-respects, neglect the demanding the *Tobacco*, due to them in due time, by that means inforcing the Debtor to the inconvenience of not disposing of his *Tobacco*, and yet not paying his Debts, to the great damage and prejudice of the said Debtor: Be it therefore Enacted, That every person or persons not demanding his or their Debts between the Tenth of *October* and the last of *January*, shall not sue or implead any person or persons Indebted to him or them for present Payment; but it shall be lawful for any persons owing *Tobacco*, to dispose of the same for his own use after the said last of *January*, if it have not been demanded according to the tenor of this Act, and no Execution to issue for a *Tobacco Debt*, but against the person, who shall have liberty to free himself, by putting in security to pay the Debt the following Crop. Provided always, That it shall be lawful for the Creditor to sue or implead his Debtor for security for his *Debt* against the next year, any thing in this Act to the contrary notwithstanding.

## LXXXI.

## Judgments and Specialties how long Pleadable.

Whereas the nature of our Trade in *Virginia*, enforceth us to Engage by Bills, Bonds, and other Writings, for discharge of which, in part or in whole, the Debtor is often constrained to accept of the Receipts, the said Bills, Bonds, Judgments and other Writings remaining still in the hands of the said Creditor, and the Receipt being often times lost, the Debtor, and especially the Executors and Administrators of a person deceased, not being able to prove payment, those Debts are frequently demanded and unjustly recovered, which before had been justly paid and discharged;

for

for remedy whereof, Be it Enacted, That no Bills or Bonds be of force or recoverable Five years after the date of the said Bills or Bonds, or any Bills or Bonds heretofore made, five years after the date of this Act; as also that no Judgment shall be of force seven years after the Grant thereof or after the date of this Act as aforesaid; but if the Debtor shall depart the Country, and leave no Attorney to answer for him, or any other way conceal or privily remove himself into any part of the Country, and by that means render the renewing of the Bill impossible; such time of his Absence or Concealment shall not be accounted any part of the Five or Seven years limited.

*Bills and Bonds of persons Deceased, in what time recoverable.*

LXXXII.

*Attorneys for Business out of England.*

**W**Hereas many persons in this Country, entertain as Attorneys, many troublesome businesses out of *England* and other places, when justly there is no occasion for such Molestation, and yet the Parties molested, are left destitute of Relief, by reason the said Disturbers have no Estate in this Country to satisfy Damages they are condemned in: Be it therefore Enacted, That no Attorney by any power out of *England*, or elsewhere, shall sue or implead any person of this *Colony*, without giving first good Security, that he the said Attorney shall pay all such *Costs* and *Damages* as the Court shall award against him; where the Law shall find that he the said Attorney hath by that power unjustly molested the Defendant.

*Attorneys out of England shall give security to pay Costs and Damages, if cast in Law Suits.*

LXXXIII.

*Burgesses.*

**VV**Hereas no Provision hath been made for the certain *Conveyance* of publick Writs for the Election of Burgesses; whereby the delivering the said Writs being retarded, the Sheriff hath no time to give notice to the people according to Law, nor

*Allowance  
to the Secre-  
tary for con-  
veying Writs  
of Election to  
the Sheriffs of  
each County.*

nor make a timely return of the Writs, nor can the Burges-  
ses appear at the day ; for remedy whereof, Be it Enacted  
by this present Grand Assembly, That the Secretary pro-  
vide for the timely conveyance of the Writs into every  
County, to be delivered to the Sheriff thereof ; and for his  
pains be paid One Hogshead of *Tobacco*, weighing Three  
hundred and Fifty pounds for every County ; and in Case  
any Neglect be proved against him, that he be fined for  
such neglect at the discretion of the Assembly : Always pro-  
vided he have the Writs signed Forty days before the day of  
the Return.

## LXXXIV.

*Burgeses ascertained.*

*Two Burges-  
ses from each  
County.*

*One for  
James City  
in particular.*

**W**Hereas the charge of the Assemblies is much  
augmented by the great number of Burges-  
ses, unnecessarily chosen by several Parishes:  
Be it Enacted, That hereafter no County shall  
send above two Burgeses, who shall be Elected at those  
places in each County where the County Courts are usu-  
ally kept. Provided always, That *James City* being the  
Metropolis of the Country, shall have the Priviledge to E-  
lect a Burges for themselves, and every County that will  
lay out One hundred Acres of Land, and people it with  
One hundred Tythable persons ; that place shall enjoy the  
like Priviledge.

## LXXXV.

*Burgeses Charges ascertained.*

**W**Hereas the immoderate Expences of the Burgeses  
causing divers heart-burnings between them and the  
People occasioned an Injunction to make agreement for the  
allowance before the Election, which may hereafter probably  
induce interested persons to purchase Votes, by offering to  
serve at low Rates ; by which means, that Candour and  
Freedom which should be in the Choice of persons credited  
with



with so honourable and great a trust, might be very much prejudiced, and the place it self become mercenary and contemptible: Be it therefore Enacted, That the main-  
tainance of every Burgeses shall be One hundred and Fifty pounds of Tobacco and Cask *per* day, besides the necessary charge of going to the Assembly and returning.

LXXXVI.

*Burgeses to appear upon the Day.*

**VV** Hereas many Inconveniencies happen by the not appearing of Burgeses, upon the precise day of the Return of the Writ; as leaving the business of the greatest Importance, the prudent choice of a Speaker to a small party that first appears; upon which divers Animosities may arise in some that dislike the Election, to the great detriment of the Publick Affairs; which by this means are retarded, and the charges of those Counties whose Burgeses first appeared increased; Be it therefore Enacted, That what Burgeses soever shall fail in making his Appearance and attending the Assembly, precisely upon the day of the return of the Writ, shall be fined for every days Absence, Three hundred pounds of Tobacco, to be disposed of by the Assembly, unless he be obstructed by some such Impediment as the House shall judge might be a lawful and reasonable Cause to hinder his Coming.

*Fine laid upon Burgeses for not appearing on the precise day of the Writ.*

LXXXVII.

*Burgeses not to be Arrested.*

**F**OR the dispatch and reputation of the Publick Business, Be it Enacted, That none of the Burgeses of any Assembly, nor any of their Attendants, shall be Arrested from the time of their Election, until Ten Days after the Dissolution of the Assembly wherein he serves as a Burgeses: Provided, That if the Assembly be Adjourned for above  
S a Month,



Burgesses  
not to be Ar-  
rested unless  
the Assembly  
be adjourned  
for above a  
Month.

a Month, the several Burgesses shall Ten days after that Session be liable to Arrests and other Processes; and if in the interval of Sessions they be Arrested and Prosecuted to Execution, and that served, the Execution shall be suspended Ten days before the next Session of that Assembly, and continue so until Ten days after it, at which time the privilege of Burgesses shall cease and determine.

## LXXXVIII.

*No Order to contradict an Act.*

No act of  
Court or Pro-  
clamation  
shall contra-  
dict an Act  
of Assembly.

**B**E it Enacted and Confirmed, That no Act of Court or Proclamation, shall upon any pretence whatsoever enjoin Obedience thereunto contrary to any Act of an Assembly, until the reversal of that Act by a succeeding Assembly.

## LXXXIX.

*Assemblies to enquire after the Breach of Laws.*

**W**Hereas several Laws have been by divers Assemblies made for the good of this Country, which for want of due Observation have not produced the desired Effect; And whereas it is by this Assembly Enacted, That the Grand Jury of Inquests should twice annually make Presentment of the breach of all Penal Laws; and that the Assembly should dispose of the Fines levied upon the several Offenders for the use of the Counties wherein they accrued due: Be it Enacted, That for the future the first day of every succeeding Assembly, shall be employed in receiving the said Presentments of the Grand Jury, and to enquire into the remissness of Juries and Courts, and how the Laws have been put in Execution, and disposing the Fines, that by that means the Laws may be restored to their due Vigor,

Vigor, and Offenders be deterred from Neglect or Contempt, when they shall find a severe Account of their Observation is so diligently enquired into.

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XC.

Publick Letters *how to be Conveyed.*

**W**Hereas the remoteness of divers places in the Country from *James City*, and the necessity of communicating divers Businesses to the utmost limits of it, would, if messengers were pressed purposely, put the Country to an annual great expence, for prevention thereof, Be it Enacted, That all Letters superscribed for the use of his Majesty or the Publick, shall be immediately conveyed from Plantation to Plantation, to the place and person they are directed to, under the penalty of Three hundred and Fifty pounds of *Tobacco* to each default; and if any Person be put thereby to any extraordinary Charge, the Court of each County is hereby authorized to judge thereof and to levy payment for the same; the Supercriptions being signed by the Governor, some one of the *Quorum*, or the *Collonel*, *Lieutenant Collonel*, or *Major* of a *Regiment*; and where any person in the Family the said Letters come to, can Write, such person is required to endorse the day and hour he received them, that the neglect or contempt of any person stopping them may be the better known, and be punished accordingly.

Extraordinary Charges in conveying publick Letters to be allowed by the County Courts.

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XCI.

Divulgers of false News.

**W**Hereas many idle and busie-headed People, do forge and divulge false Rumors and Reports, to the great disturbance of the Peace of his Royal Majesties leige People in this Collony: Be it Enacted, That what person or persons soever shall forge or divulge

Burgesses  
not to be Ar-  
rested unless  
the Assembly  
be adjourned  
for above a  
Month.

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Extraordinary Charges in conveying publick Letters to be allowed by the County Courts.

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*Divulgers  
of false News  
fined Two  
thousand  
pounds of To-  
bacco, and to  
give Security  
for their good  
Behaviour.*

divulge any such false Reports, tending to the trouble of the Country; he shall be by the next Justice of the Peace sent for and bound over to the next *County Court*, where if he produce not his Author he shall be fined Two thousand pound of *Tobacco*, (or less if the Court think fit to lessen it) and besides give Bond for his Behaviour, if it appear to the Court that he did maliciously publish or invent it.

## XCII.

*Chirurgeons Accounts regulated.*

**VV** Hereas the excessive and immoderate Prices exacted by divers avaritious and griping practitioners in Physick and Chirurgery, hath caused several hard-hearted Masters, swayed by profitable more than charitable respects, rather to expose a sick Servant to a hazard of the recovery, than put themselves to the certain charge of a rigorous, though unskillful Physician; whose demands, for the most part exceed the purchase of the Patient; many other poor people also being forced to give themselves over to a lingering Disease, rather than ruin themselves, by endeavouring to procure an uncertain Remedy: for redress thereof for the future, Be it Enacted, That it shall be lawful for any person or persons conceiving the Account of the Physician or Chirurgeon unreasonable, to Arrest the said Physician or Chirurgeon to the General or County Court, where the Physician or Chirurgeon shall declare upon his Oath the true Value, Cost and Quantity of the Drugs administred; for which, the Court shall grant Order against the Plaintiff with Fifty *per Cent.* advance, and such consideration for his Care, Visits and Attendance, as they shall judge he hath deserved; and if it shall appear by Evidence, that the said Physician or Chirurgeon hath neglected his Patient while he was under Cure, the Court shall censure him to pay so much, as they in their discretion shall think reasonable.

*Appeal to  
the General or  
County Courts,  
when Physi-  
cians or Chi-  
rurgeons are  
unreasonable  
in their De-  
mands.*

## XCIII. Chi-

XCIII.

*Chirurgeons Accounts Pleadable after  
decease of the Party.*

WHEREAS by Act of many Assemblies no Accounts are Pleadable against dead mens Estates, whereby many Scruples have been made about the Accounts of Physicians and Chirurgeons, who cannot possibly take Bill: Be it therefore Enacted, That Physicians and Chirurgeons Accounts shall be Pleadable and Recoverable, for means administred and pains taken in the time of Sicknes, whereof the Party dies, and where the patient recovers Six Months after such Recovery and no longer.

XCIV.

*Discounts to be made in Courts.*

BE it Enacted, For the avoiding many causeless Suits in Law, that where any Suit shall be commenced in any Court for a Debt, that if the Defendant hath either Bill, Bond, or Account of the Plaintiffs, wherein he proves the Plaintiff Debtor, such Debt of the Plaintiff shall be discounted out of the Debt he claimeth of the Defendant, and Judgement shall be given for no more than the Ballance of the Debt will amount to, consideration being always made of the times their several Debts have been due, and accordingly Allowance made for the time; and because it many times happens that the Defendants in such cases do procure Bill or Accounts of the Plaintiffs from other men, which he perhaps can discount with those to whom he passed such Speciality or Account: It is therefore Enacted, That no Bill or Account that being assigned over, shall by the Assignee be pleadable against the Debtor, in such Bill or Account, unless the Assignee can prove that he gave the Debtor notice before his acceptance

T of



of the Assignment, and that the Debtor at that time pretended to no discount against it.

## XCV.

*Accounts against Dead Mens Estates.*

**W**Hereas too sad Experience hath shewed that Accounts against the Estates of persons deceased, have often unjustly devoured the Estates, and brought the Wives and Children to Poverty and Ruin; and whereas as well the Laws of *England* as of this *Country* permit not any thing to be Pleadable against any person that cannot wage his Law, which Executors and Administrators are utterly incapable of: Be it therefore Enacted, That no Book Debts or Accounts shall be henceforth pleadable against the Estate of any person deceased, nor against any living, if the said Person shall upon his Oath deny the same to be due, unless they be such Accounts as by particular Acts of the Assembly, as Officers Fees, Levies and Chirurgeons Accounts are Pleadable; neither shall any Man be put to his Oath upon an Ordinary Keepers Account, but the said Ordinary Keeper shall take the hand of any person (calling for any Drink or Provision) to his Book or else his Bill, or otherwise his Debt shall not be Pleadable.

*Debts due  
to Ordinary  
Keepers.*

## XCVI.

*Ballancing Accounts of deceased persons.*

**A**ND whereas divers Men being indebted to others upon Account, may be induced to deliver Goods to them or their Assigns in Ballance, yet take no Receipt, which Account upon the death of either party may be brought by his Executors or Administrators against the Survivor, of which he cannot upon his Oath deny the Receipt,

ceipt, yet that Account, though justly ballanced before, is often recovered by this Act prohibiting Accounts against Dead Mens Estates, yet leaving liberty to their Executors or Administrators to sue for an Account due to the Estate of the person deceased: Be it therefore Enacted, That Accounts against a Dead Mans Estate being sufficiently proved, shall be admitted in discount of an Account, due to such Dead Mans Estate; but if the Account brought against the Estate, exceed that due to the Estate, the Survivor, for the overplus shall be dismissed without day. Provided also, That where the Party charged as Debtor to any one, shall refuse upon his Oath to deny the Account brought against him (except an Ordinary Keepers, which it is impossible to keep in Memory, or any part thereof) the Court shall take the Account to be due, as by confession, and shall give Judgment for so much thereof as he shall not deny as aforesaid.

*Accounts against a dead mans Estate, shall be admitted in Discount.*

XC VII.

Ordinary Keepers *how to Sell.*

**W**Hereas continual Complaints are made of the Exaction of Ordinary Keepers and others in the Rate and Measures of Strong Drink, by them retailed and sold: Be it Enacted, That no Person after the First of March, One thousand six hundred sixty and three, shall sell or vend by retail any Witte, Beer, or other Strong Drink, of what sort soever, by any Measures but English Sealed Measures, of Pints, Quarts, Pottles, or Gallons, and that every one that now doth, or hereafter shall keep any Ordinary, shall by the said first of March 1663, provide such Measures to sell by in his House; and in case he fail, shall be put down from keeping any Ordinary, and fined Five thousand Pounds of Tobacco to the use of the publick. Provided always, That it shall be lawful for them to sell English Strong Waters, coming over in Cases, by the Bottle, in the same Bottles they bought them.

*Ordinary Keepers shall sell by English Measures.*

And for preventing many Disorders and Riots in Ordinaries and other places where Drink is retailed, Be it Enacted, That no person or persons whatsoever, shall in their Houses retail any Drink, but such as shall obtain a Licence from the Commissioner of the County where he lives, signed by the first in Commission of that Court, by giving Bond according

*None to retail Drink but such as have Licences.*

to

to the Laws of *England*, and further obliging himself to sell at the rates set by the Commissioners, and to pay annually to the Governour Three hundred and fifty Pounds of *Tobacco* and Cask for his Licence.

## XCVIII.

Servants *how long to Serve.*

**VV** Hereas the Thirteenth Act 1659, doth Enact, That all persons brought as Servants into this Country, of what Christian Nation soever they be, should serve no longer than our own Nation, which is Five Years, if above Sixteen Years of Age, if under, until One and twenty, as by the Thirtieth Act of the said Assembly appears; and in regard the said Thirtieth Act doth contrary to Law, look backward, and set free several Servants Aliens, purchased upon a former Act of Assembly made the Fourth of 1654. Be it therefore Enacted, That all Aliens and others coming in while that Act and the others are in force, shall serve according to those Acts; and that for the future, all the aforesaid Acts shall be repealed, and all Servants hereafter coming in without Indenture shall serve Five Years, if above Sixteen Years of Age, and all under that Age shall serve until they be Four and twenty Years Old, that being the time limited by the Laws of *England*, and that the several Courts at the Request of the Master make Inspection and judge of their Age.

*All Servants coming in without Indenture, shall serve Five years, if above Sixteen years of Age, and all under till they are Four and twenty.*

## XCIX.

*Against secret Marriage.*

**VV** Hereas much loss and detriment doth arise to divers Masters of Families by the Secret Marriages of Servants, the said Servants through that occasion neglecting their Works and often purloining their Masters Goods and Provisions: Be it therefore Enacted, That no Minister either Publish the Banes, or Celebrate the



the Contract of Marriage between any Servants, unless he have from both their Masters a Certificate that it is done with their consent; and the Minister doing otherwise shall be Fined Ten thousand Pounds of *Tobacco*, and the said Servants both Man and Woman, that shall by any indirect means procure themselves to be Married without consent of his and her Master, shall for such their Offence, each of them serve their respective Masters One whole Year after the time of Service by Indenture is expired: And if any person being free, shall clandestinely marry with a Servant as aforesaid, he or she so marrying, shall pay to the Master of the Servant Fifteen hundred Pounds of *Tobacco* or a Years Service, and the Servant so being married shall abide with his or her Master the time by Indenture or Custom, and a year after as aforesaid.

*Servants may not be Married without producing Certificates from their Masters.*

## C.

*Against Fornication.*

FOR restraint of the filthy Sin of Fornication; Be it Enacted, That what Man or Woman soever shall commit Fornication, he and she so offending, upon proof thereof by Confession or Evidence, shall pay each of them Five hundred Pounds of *Tobacco*, Five to the use of the Parish or Parishes they dwell in, and be bound to their good Behaviour, and be Imprisoned till they find security to be bound with them; and if they or either of them committing Fornication as aforesaid, be Servants, then the Masters of such Servants so offending shall pay the said Five hundred pounds of *Tobacco* as aforesaid, for which the said Servant shall serve half a year after the time by Indenture or Custom is Expired; and if the Master shall refuse to pay the Fine, then the Servant to be Whipped; and if it happen, that a Bastard Child be gotten in such Fornication, then the Woman, if a Servant, in regard of the loss and trouble her Master sustains by her having a Bastard, shall serve two years after her time by Indenture is Expired, or pay Two thousand pounds of *Tobacco* to her Master, besides the Fine or Punishment for committing the offence, and the reputed Father to put in security to keep the Child and save the Parish harmless.

*Persons convicted of fornication, Fined Five hundred pounds of Tobacco.*

*Servants guilty thereof how to be punished.*

## V

C.I. *Hired*

## CI.

*Hired Servants.*

*Servants  
when their  
time is ex-  
pired shall take  
Certificates  
of their Free-  
dom.*

*And pro-  
duce them  
when enter-  
tained by o-  
ther Masters.*

**VV** Hereas divers persons, that by Indenture, Custom, or After-Contracts for Wages, being Servants to several Men, do many times run away to Plantations far remote; and there being unknown, procure Entertainment with others for Wages or Shares, to the great damage, and sometimes utter undoing of their true Masters, and also of those that ignorantly entertain them, by paying the Fine; for prevention whereof for the future, and for the better discovery of such Run-aways: Be it Enacted, That all Servants at the Expiration of their time, shall with their Master or a sufficient Testimonial from him, go to the Court in that County where he served, and there enter his Freedom, and take Certificate thereof from the Clerk of the said Court; which Certificate shall be sufficient Warrant for any person to entertain him into his Service; and whoever after his first time by Indenture is expired, and Certificate thereof taken out as aforesaid; shall again upon any Terms become servant to another, the Master then hiring the said Servant shall take his Certificate of Freedom and keep it until the time contracted for be expired; and whoever shall entertain or harbour any Servant, or hired Free-man running away from his Masters Service, and not having a Certificate as aforesaid, shall pay to the Master of the said servant Thirty pounds of Tobacco per day and night for all the time they shall harbour or entertain them. Provided that if such Run-away Servants shall forge a Certificate or steal the true one from the Master he is hired to, and by that means procure himself Entertainment, the person entertaining him shall be free from the Fine, but the Servant stealing or forging a Certificate, shall be punished for his forgery, by standing in the Pillory two hours upon a Court day; and if any person coming free into the Country, shall by any Contract agree with one person, and before the time agreed for be accomplished, shall depart to another, he shall first perform the tenor of his Contract first made, and pay the apparent Damages that shall arise by his breach of Covenant, and shall after that satisfied, be liable to the payment of what

what Damages any other Contractor with him shall recover of him by Law ; and in regard the Certificates of Freedoms may be worn out and lost , and by those means New ones be required : It is further Enacted, That every Clerk upon such pretence granting a new Certificate , shall mention in that the loss of the first , and that for that cause this second was issued.

## CII.

*Run-aways.*

**W**HEREAS there are divers loitering Run-aways in this Country , who very often absent themselves from their Masters service , and sometimes in a long time cannot be found , the loss of their time and the charge of the seeking them , often exceeding the value of their labour : Be it therefore Enacted, That all Run-aways that shall absent themselves from their said Masters Service , shall be liable to make satisfaction by service , after the times by Custom or Indenture are expired (*Viz.*) double their time of service so neglected ; and if the time of their Running away was in the Crop , and the charge of recovering them extraordinary ; the Court shall adudge a longer time of Service , proportionable to the Damage the Master shall make appear he hath sustained ; and because the adjudging the time they should serve , is often referred until the time by Indenture is expired , when the proof of what is due is very uncertain : Be it Enacted, That the Master of any Run-away that intends to take the benefit of this Act , shall as soon as he hath recovered him , carry him to the next *Commissioner* and there declare and prove the time of his absence , and the Charge he hath been at in his Recovery ; which *Commissioner* thereupon shall grant his Certificate , and the Court on that Certificate pass Judgment for the time he shall serve for his absence.

*Run-away  
Servants shall  
serve their  
Masters twice  
the time of  
their absence,  
after the time  
of their In-  
denture is ex-  
pired.*

And in case any *English* Servant shall run away in Company of any *Negroes* , who are incapable of making Satisfaction by Addition of time : It is Enacted , That the *English* so running away in the company with them , shall

at



English ser-  
vants run-  
ning away in  
company with  
Negroes.

at any time of Service to their own Masters expired, serve the Masters of the said *Negroes* for their absence, so long as they should have done by this Act, if they had not been Slaves, every *Christian* in company serving his proportion; and if the *Negroes* be lost or die in such time of their being run away, the *Christian Servants* in company with them, shall by Proportion among them either pay Four thousand five hundred pounds of *Tobacco* and *Cask*, or four years Service for every *Negro* so lost or dead.

## CIII.

*Cruelty of Masters prohibited.*

Servants  
too rigorously  
dealt withal,  
or wanting  
Necessaries,  
may make  
complaint to  
the Commis-  
sioners.

Whereas the Barbarous usage of some Servants by cruel Masters, brings so much Scandal and Infamy to the Country in general, that people who would willingly adventure themselves hither, are through fear thereof diverted, and by that means the supplies of particular men, and the well-seating of his Majesties Country very much obstructed: Be it therefore Enacted, That every Master shall provide for his Servants competent Diet, Clothing and Lodging, and that he shall not exceed the bounds of moderation, in correcting them beyond the merit of their offences; and that it shall be lawful for any Servant, giving notice to their Masters, having just cause of complaint against them, for harsh and bad usage, or else for want of Diet or convenient Necessaries; to repair to the next Commissioner to make his or their Complaint; and if the said Commissioner shall find by just proof that the said Servants cause of Complaint is just, the said Commissioner is hereby required to give order for the Warning of such Master to the next County Court, where the matter in difference shall be determined, and the Servant have remedy for his grievance.

CIV. *Against*

CIV.

*Against Unruly Servants.*

**W**Hereas the Audacious Unruliness of many Stubborn and Incorrigible Servants, resisting their Masters and Overseers, hath brought many Mischiefs and Losses to divers Inhabitants of this Country. Be it Enacted and Ordained, That the Servant that shall lay violent hands on his or her Master, Mistress, or Overseer, and be Convicted thereof by Confession or Evidence of his Fellow Servant, or otherwise, before any Court in this Countrey, the same Court is hereby Required and Authorized to Order such Servant to serve his or her Master, or Mistress, or their Assigns, One year after his or her time by Indenture or Custom is expired. Be it Enacted, That no Person or persons whatsoever, for any Offence committed; shall be adjudged to serve the Country as Collony Servants.

*One Years Service to be given, for striking a Master or Mistress.*

CV.

*Against Trading with Servants.*

**W**Hereas divers ill-disposed Persons do secretly and covertly Truck and Trade with other Mens Servants and Apprentices, who to the great injury of their Masters, are thereby induced and encouraged to Steal, Purloyn, and Imbezle their Masters Goods: Be it therefore Enacted, That what Person or Persons soever shall Buy, Sell, Trade or Truck with any Servant for any Commodity whatsoever, without Licence or Consent of the said Servants Master, he or they so offending against the Premises, shall suffer One Months Imprisonment without Bail or Mainprize, give Bond with Security for his good Behaviour; and also shall Forfeit to the Master of the said Servant Four times the Value of the things so Bought, Sold, Trucked or Traded for.

*No Person shall Trade with Servants without Licence or Consent of their Masters.*

X

CVI. No

## CVI.

*No Tobacco to be Planted after the Tenth of July.*

The Penal-  
ty of Trans-  
gressing this  
Act.

**W**Hereas it hath been taken into serious Consideration, that the Improvement of our only Commodity *Tobacco*, can no ways be effected but by lessening the Quantity and amending the Quality. And further, That all Stints will prove clearly inconsistent with the being of the Countrey, while *Maryland* remains a distinct Government, unless of such a Nature as may produce both the aforesaid Effects without Abridgement of any Mans Endeavours or confining him to any set Number of Plants; for which cause the Assembly hath Enacted, That no *Tobacco* be Planted after the Tenth of *July*; And that whosoever shall directly or indirectly Plant, or Re-plant, or cause to be Planted or Re-planted any *Tobacco* after the said Tenth of *July*, shall Forfeit Ten thousand Pounds of *Tobacco*, to the use of the Publick.

## CVII.

*No Seconds or Slips.*

The Pen-  
alty of Trans-  
gressing this  
Act.  
Ground-  
Leaves of *To-  
bacco* shall  
not be pack'd  
up for Sale.

**A**Nd be it further Enacted, That what Person or Persons soever shall tend, or suffer, or cause to be tended any second Tops or Slips, shall Forfeit Ten thousand Pounds of *Tobacco* to the Publick. Be it further Enacted, That what Person or Persons soever shall Save, Pack, or Sell, or Send away any Ground Leaves, which are hereby required to be totally suppress, shall forfeit for every Hogshead proved to have the Quantity of Five Pounds of Ground-Leaf *Tobacco* in it, Five thousand Pounds of *Tobacco* to the use of the publick. And it is further Enacted, That the Grand Jury shall take particular care of the Observation of this Act, and shall make due Presentment to the County Courts of any such as shall Plant or Tend any *Tobacco* contrary to the tenor hereof.

## CVIII. Im-



CVIII.

*Improvements of Staple Commodities.*

**VV** Hereas the uncertain Value of *Tobacco*, the Unstapleness of the Commodity, and the probability of its Planting in other places, threaten this Country with the danger of an unavoidable ruin, which must in time fall upon it by the increase of the makers of it among our selves (who have already so glutted all Markets, that great quantities are yearly left in the Country, and that which is sent out, sold at so mean and inconsiderable a Rate, as neither Merchant nor Planter can well subsist by) unless some other Course be speedily taken for Improvement of such other Commodities as the Country will produce, and making as many of them as we can into Manufactures, and giving Encouragement to all persons of what Ability soever to attempt it, which the former Acts for Encouragement to make Staple Commodities have been defective in, by only proposing Rewards to great quantities of every Commodity made, which whoever goes about, must if he fail, be ruined, or if he make the quantity proposed, will have no need of the gratuity, which is better to be suited proportionably to the meanest quantity. Be it therefore Enacted, That the Assembly this present year send into *England* for a considerable quantity of Flax Seed to be distributed into the several Counties, and deliver it to certain persons who may sell it out to several Inhabitants, and the produce thereof be paid the Year following with the levy, and the Country Stock by that means made good, according to the Fifth Act of Assembly 1661, to make their proportions of Flax. And whoever will Spin the Flax and Cause the Yarn to be Weaved into Cloth of a Yard wide, shall for every Yard of Cloth so Woven of Yarn made of Flax grown in the Country, have Three Pounds of *Tobacco*. And for every Yard of Woollen Cloth made of Yarn here Spun in the Country, Five Pounds of *Tobacco*, which upon produce of Certificate from some Justice of Peace in the County, that he hath seen the same in Looime, and that to his knowledg it was really made in the Country as aforesaid, shall upon producing the same to the Governour and Council, be paid so much in the publick levy in the same County where they dwell.

Flax-Seed  
to be distributed  
into each  
County.

Allowance  
for every Yard  
of Linnen and  
Woollen Cloth  
made of the  
product of the  
Country by the  
publick.

CIX. An

## CIX.

*An Act for Mulberry-Trees.*

**VV** Hereas by experience Silk will be the most Profitable Commodity for the Country, if well managed : And whereas the greatest conducement thereunto required, is Provision of *Mulberry-Trees* : Be it Enacted and Confirmed by this present Grand Assembly, That every Proprietor of Land within the Collony of *Virginia*, shall for every hundred Acres of Land holden in Fee, Plant upon the said Land, Ten *Mulberry-Trees* at twelve foot distance each from other, and secure them by Weeding and a sufficient Fence from Cattle and Horses, &c. between this and the last of *December* 1663; and for every Tree that shall be wanting and unintended in manner aforesaid, of the said Proportion, at the said last of *December* 1663, he the said Proprietor that shall be so delinquent, shall pay Twenty pounds of *Tobacco* to the publick : Provided that this Act do not extend to *Orphans*, until the Expiration of Five years after their full age; and then if delinquent, to be liable as aforesaid, and no man planting more then his number, shall excuse any that hath planted less : Provided also that this Act extend not to such Proprietors as are not in actual possession. And because his Majesty hath taken particular notice of the great folly and negligence of the Country, in omitting the propagation of so Noble and Staple a *Commodity* : It is Enacted, That the Grand Jury do strictly inquire into the Breach of this Act, and make Presentment thereof, that the Offenders may accordingly be punished : And be it further Enacted, That for the encouragment of all Persons that shall endeavour to make Silk, there shall be allowed in the Publick Levy to any one for every pound of Wound Silk he shall make, Fifty pound of *Tobacco*, to be raited in the Publick Levy, and paid in the *County* or *Counties* where they dwell that make it.

Ten Mulberry  
Trees shall be  
Planted upon  
every hundred  
Acres of Land  
holden in Fee.

The Penal-  
ty of delin-  
quency.

Fifty pound  
of Tobacco al-  
lowed by the  
Publick for e-  
very pound of  
Wound Silk.

## CX.

*Encouragment to build Vessels.*

**F**Or Encouragement of building *Vessels* in this *Country* and the promoting of Trade: Be it Enacted, That whoever shall build a *Vessel* of any burthen decked and fitted to go to Sea, shall for every Tun burthen the said *Vessel* shall contain, receive upon proof of her being so built, Fifty pound of Tobacco out of the Publick Levy.

*Fifty pound  
of Tobacco per  
Tun allowed by  
the Publick for  
all Vessels built  
in this Col-  
lony.*

Whereas Collonel *Edmund Scarbrough* hath to his particular great Charge, but to the Infinite good of the *Country*, erected a Salt Work, for which he hath received deserved Thanks the last Assembly, this Assembly for his greater Encouragment, hath thought fit to grant him the use of Money raised this year out of the Two Shillings per hundred in *Northampton County*; with condition that he make repayment of the same to those the Assembly shall allot it the next year, in Salt at Two Shillings and Sixpence per Bushel, and Soap at

*Salt-Work.*

And be it further Enacted, That after the first of *September 1663*, no Master of Ship, Barque or Vessel, or any other person, Merchant or Trader, shall bring in any Salt into the *Country* of *Northampton*, under the Penalty of confiscating his Ship, Barque or Vessel, and goods, to the end that he and others may be encouraged in their industrious Endeavours to promote the Good of the *Country*.

## CXI.

*Tan-Houses to be Erected.*

**B**E it also Enacted, That according to the first Act of Assembly 1660, there be Erected in each *County*, at the Charge of the County, one or more Tan-Houses; and that they Provide Tanners, Curriers and Shoemakers, to Tan, Curry, and make the Hides of the *Country* into  
Y Leather



Prices to be  
allowed for  
Hides.

Rates for  
Shooes.

Leather and Shooes; and that the persons intrusted with the over sight of the Work-men, and the managing the Trade, do allow to the Inhabitants of the County for ever dry Hide they bring, at the rate of Two pounds of Tobacco per pound, and sell their Shooes for Thirty pounds of Tobacco for plain Shooes, and Thirty five pounds of Tobacco for Wooden-heels, and French-falls of the Six largest Sizes, and Twenty pounds of Tobacco a pair for the smallest Shooes.

## CXII.

*Two Acres of Corn for each Tythable.*

Or one Acre  
of English  
Wheat.

**B**E it hereby Enacted, That all persons within this Colony, shall Plant or Tend for every Tythable person tending a Crop in their Family, Two Acres of Corn or Pulse, under the Penalty of Five hundred pounds of Tobacco for every Acre neglected as aforesaid, to be paid by the Delinquent, and to be levied by the Sheriff for the Counties use; and the Grand Jury in their several Limits to look strictly after the breach of this Act: And for Encouragement for Men to sow *English* Wheat, which may be a Staple Commodity to vent out of the Country: It is further Enacted, That the sowing of one Acre of Wheat, shall excuse the planting of the two Acres of *Indian* Corn, or other Corn or Pulse, as this Act enjoyns.

## CXIII.

*Stray-Horses, &c.*

**F**Or remedy of the great abuse and wrong done in taking up of Stray-Horses, Cattel, and Boats lost, not only in concealing them, but in using and imploying them, to the hurt and damage of the Owners: Be it Enacted by this present Grand Assembly, That every person or persons that shall take up and keep any Stray-Horses, Cattle,

Cattle, or Boat, shall cause the said Horses and Cattle, with the Mark, Stature and Colour, and the said Boat, with her Proportion, and what was found in her, to be cried publickly in all the Churches and Chappels in the County, within one Month after the taking them up; and in the mean time securely to lay up the said Boat: And if no Owner appear upon this Publick Notice given, then to publish the same, and set it up in Writing at the next County Court; where if no Owner appear, then it shall be lawful for him to make use of the said Boat until the Owner do appear; who shall allow him for his pains One hundred pounds of Tobacco.

*Stray Horses, Cattle, &c.*

*shall within a Month after they are taken up, be Cried publickly in all the Churches and Chappels of the County.*

*What to be done in case the Owner be not found.*

## CXIV.

*Free Trade.*

**B**E it Enacted, That Free-Trade be allowed to all the Inhabitants of this Country to buy and sell at their best advantage; and that all Acts concerning Ingrossing be from henceforth repealed and made void: Provided always, that no person or persons shall have any Commerce or Trade with any Indians for Beaver, Otter, or any other Furs, except those commissioned by the Governor.

*Trade permitted with the Indians.*

*But not for Beaver, Otter, or any other Furs without Commission.*

## CXV.

*Exportation of Hides.*

**W**Hereas the Exportation of Hides, Wooll, and Iron, is generally conceived to be much prejudicial to the Common-Wealth and good of this Collony: Be it therefore Enacted by the Authority of this present Grand Assembly, That what person or persons soever shall export out of this Country either Wooll, Hides or Iron, shall for every

*Hides, Wooll, and Iron, shall not be exported.*

every of their Offences in so doing, pay as followeth, *viz.* for every Hide so exported the Sum of One thousand pounds of Tobacco; and for every pound of Iron Ten pounds of Tobacco, and for every pound of Wooll, Fifty pounds of Tobacco; the one half of which said Payments and Forfeitures shall be paid to the Informer, and the other half to the Publick.

## CXVI.

*Exportation of Money.*

*Pieces of Eight shall pass for Five Shillings Currant.*

*No person shall export above the Sum of Forty Shillings.*

**B**E it hereby Enacted by this Grand Assembly, That no false Money shall pass for Currant in this Country, but pieces of Eight that are good and of Silver, shall pass for Five Shillings Currant Money, upon Penalty of Twenty Shillings to be paid by the Refusers of them: And that none shall export Money out of this Country above the Sum of Forty Shillings; If any shall exceed the same Sum to forfeit double thereof.

## CXVII.

*Size of Virginia-Hogsheads.*

*Virginia Hogsheads shall be 43 Inches in length, and the heads 26 Inches over.*

**I**T is Enacted upon the complaint of divers Masters and Merchants of Ships against the incertainty and extraordinary Size of Cask which hath been very much prejudicial to them, That a certain Size of all Tobacco Cask of Virginia-Hogsheads shall be as followeth, *viz.* Forty Three Inches in length, and the head Twenty six Inches wide, with the Bouge proportionable; and whoever shall make Cask of a greater size, shall pay upon proof made to any Court, if he be a Freeman, otherwise his Master or Mistress that employs him, Three thousand Pounds of Tobacco, the one half to the Informer the other half to the County where the



the Cask is made. And if any Cask shall be made of Timber not seasoned, then such Cask to be burnt.

## CXVIII.

*Against private taking away Boats.*

**F**Orasmuch as divers persons suffer great Damages by private and concealed taking away Boats of Canoos without Licence from the Owners thereof: It is Enacted and Confirmed by the Authority aforesaid, That the Commissioners of each County Court shall be hereby empowered (if required) to order and give satisfaction from the party so trespassing to those injured by want of his or their Boat, Boats, or Canoos, Five hundred Pounds of Tobacco Penalty to the Owner, and what Damage the Boat sustains.

## CXIX.

*Against Shooting.*

**W**Hereas it is much to be doubted the common Enemy the *Indians*, if opportunity serve, will suddenly Invaide this Country and bring it to a total Subjection of the same; And whereas the only means for discovery of their Plots is by Alarums, of which no certainty can be had, in respect of the frequent Shooting of Guns in Drinkings, whereby they proclaim and justifie that beastly Vice: Be it therefore Enacted, That what Person or Persons soever, shall after publication hereof Shoor any Guns at Drinkings or Marriages (Burials excepted) such person or persons so offending shall forfeit Two hundred Pounds of Tobacco to the publick, to be levied by distress in Case of refusal.

*Shooting off  
Guns at  
Drinkings or  
Marriages  
forbidden.*

## CXX. Supply

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*Shooting off  
Guns at  
Drinkings or  
Marriages  
forbidden.*

## CXX. Supply



## C X X.

*Supply of Ammunition.*

Every person  
able to bear  
Arms, shall  
keep in his  
House a Gun,  
2 l. of Powder,  
and 8 l. of  
Shot.

**B**E it Enacted, That a provident Supply be made of Guns, Powder, and Shot to our own people, and this strictly to be looked to by the Officers of the Militia; *viz.* That every man able to bear Arms, have in his House a fixed Gun, two pounds of Powder, and eight pounds of Shot at least; which are to be provided by every man for his Family before the last of *March* next: And whosoever shall fail in making such provision, to be fined Fifty pounds of Tobacco, to be laid out by the County Courts for a Common Stock of *Ammunition* for the County; the Enquiry referred to the Grand Jury.

## C X X I.

*Against Exacting Millers.*

Millers  
shall receive in  
Corn, and de-  
liver it out by  
Statute  
Weights and  
Scales.

**W**Hereas by a Second Act of a Grand Assembly *Anno* 1645; It was Ordered and Established, for the Reforming the great abuse of Millers in Exacting Excessive and Illegal Toll, That no Person or Persons using or occupying any Mill, should take or receive for the Grinding of any Grain, or exchanging it for Meal, above the sixth part thereof for Toll; which Act hath not taken such Effect as was intended thereby, in respect as is conceived, neither Penalty was imposed therein upon the Offendor, nor the Execution thereof was given in direction to any particular Officer. It is therefore thought fit to enlarge the said Act, and by Vertue thereof to require all Millers and Owners of Mills, to provide by the Five and twentieth day of *June* next come Twelve-month, Statute or Statute Weights and Scales, by which they are to receive in and deliver out all Grain: And that they do sufficiently grind and exchange the said Grain so brought, upon the penalty (in case they do exact beyond the said proportion for grinding or exchanging, or in case of default of such

Weights

Weights or Scales, or for not sufficiently grinding) of the sum of One thousand pounds of Tobacco, and that the Grand Jury enquire thereof. Penalty upon Millers Exactions.

CXXII.

*Against Exportation of English Goods.*

**W**Hereas the necessities of this Country are relieved chiefly by the *Importation* of *English Goods*, and that relief much obstructed by many that bring in unnecessary Commodities, and make sale thereof for Tobacco; which they again truck for *Substantial Commodities*, as *Cloathing* and the like: and by that means leave the Country destitute of its own Supplies: It is hereby Enacted, That what person or persons soever, shall after the First of June next export out of the Collony any *English Goods*, not by him formerly imported, shall upon discovery forfeit such Goods, and be fined the value, the one half to the Informer, and the other to the Publick.

CXXIII.

*No Mares or Sheep to be transported.*

**I**T is also Enacted, That no *Mares* or *Sheep* be transported out of the Country, upon treble the value to be forfeited by the Offendor, and by him paid, one half to the Informer and the other half to the Publick.

CXXIV.

## CXXIV.

*Against Selling of Rum but in places appointed.*

*Six pence payable for every Gallon of Rum, and One penny for every pound of Pavele Sugar brought on Shore at any other Port than is appointed by the Assembly.*

**W**Hereas the excessive abuse of *Rum* hath by experience been found to bring Diseases and Death to divers people, and the purchasing thereof made by the exporting and unfurnishing the Countrey of its own Supplies and Staple Commodities: It is Enacted, That what Vessel soever shall after the First of *March 1663*, except such as belong wholly to Inhabitants of this Countrey, bring in them any *Rum* or *Pavele Sugar*; the said Vessels so bringing it in, shall not unload or sell the same at any place or places, but such as are by Act of Assembly appointed Ports for the vent of the said Commodities; and shall bring the same on Shore, and enter the quantity, and pay for every Gallon of *Rum* Six pence Custom, and for every pound of *Pavele Sugar* One penny, before they shall be permitted to sell or dispose of any part thereof.

## CXXV.

*Against Stealing of Hoggs.*

*Hogg-Stealers shall pay 2000 l. of Tobacco, half to the Owner, and half to the Informer.*

*Or else shall serve two years, one to the Owner, and one to the Informer.*

**W**Hereas the Stealing and Killing of *Hoggs* is a Crime usually committed; and seldom or never detected or prosecuted in this Collony: Be it therefore Enacted, That for the better prevention thereof, that whosoever shall steal or unlawfully kill any Hogg which is not his own; and the said Fact being proved by sufficient Evidence, he or they so offending, shall pay to the Owner of the said Hogg One thousand pounds of *Tobacco*, and One thousand pounds of *Tobacco* to the Informer. And in case of inability to pay and satisfy the said Sums, the person so offending shall serve Two years; viz. One year to the right Owner of the said Hogg, and the other to the Informer. And if any per-



person be found to bring home any Hog or Hogs so killed, without their Ears, shall be adjudged a Hog-stealer, and to be proceeded against accordingly. And that such persons as shall receive such Hogs into their Houses, and not immediately discover the same to the next Commissioner, then such Receiver shall be proceeded against as if he had been an Actor in the Trespass. And in case the Owner of the Hog inform, he to have both the Fines.

CXXVI.

*Masters of Ships to provide Four Months Provision.*

**B**E it Enacted, That all Masters of Ships shall be obliged hereby to provide Four Months allowance of Victuals for Passengers at their setting forth from the Downs or other Ports of *England*, and to give the Passengers sufficient allowance of Diet all the Voyage : And Commanders of Ships respectively, to take care that poor Servants do not want Bedding in the Voyage. In which particulars aforesaid, if any shall offend, they shall be liable to grievous Censure here according to the merit of the Offence.

*Masters of Ships shall give sufficient Allowance of Diet to Passengers.*

*And take care that poor Servants have good Lodging.*

CXXVII.

*Concerning Passes.*

**B**E it also Enacted and Confirmed, That no Master of any Ship, Vessel, Boat, or Barque, shall transport any person or persons out of this Collony, except the said person or persons produce a Pass under the hand of the Secretary, or such whom he shall depute or appoint, upon the penalty to pay all such Debts as any such person shall

*No Master of a Ship shall Transport any person out of this Collony; except the said person produce a Pass.*

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stand

The Method to be observed in granting such Passes.

stand indebted to any person within this Collony at his or their departure, and pay a Thousand pounds of Tobacco to the Secretary for his Contempt. And it is further Enacted, That before any such Pass shall be signed to any person, he or they shall bring a Certificate from the *Monthly Court* where he or they reside, that he hath set up his Name upon a Court day; ten days at least before his departure; at the *County Court* where he resides: Or otherwise shall put in sufficient Security for the payment of all Debts that are due or owing from them to any person within this Countrey, or his Name to be published and set up at the Church door two Sundays in each Parish in the County where it is presumed all persons will be; and the Readers Testimonial to the Clerk shall be sufficient Warrant for him to grant a Certificate: And the Secretary and Security after a year and a day to be discharged.

### Impositions of 2 s. each Hoghead.

**T**his present Grand Assembly of *Virginia*, taking into serious Consideration the burthensome and unequal way of laying Taxes by the *Pole*; and how they may with most honour and ease support the Government, in well paying his Majesties Officers, and as means perhaps of introducing Money, and an Encouragement to Men to produce other useful and beneficial Commodities, have thought fit to impose two Shillings per Hoghead upon every Hoghead of Tobacco that shall be Shipped on Board of any Ship or other Vessel within *Virginia* to be exported; and the Collectors of the said Imposition to dispose of no part thereof, but by order of the Grand Assembly only: Be it therefore Ordained and Enacted by this present Grand Assembly and the Authority thereof, And it is hereby Enacted, That the Master and Masters of all and every Ship and Vessel coming to Trade in *Virginia*, shall upon demand made by the Collector or Collectors, who shall by order of Assembly be empowered to receive the said Imposition from every Ship or Vessel, enter into security to pay such Collector or Collectors two Shillings for every Hoghead

head of Tobacco, that shall upon any account whatsoever be Shipped on Board his Ship or Vessel to be exported : The said Payment either to be made in Money, Bills of Exchange, or Goods at Thirty per Cent. Advance upon the Price of such Goods at the first Penny, and all Freighters to be accountable to the said Masters for the Tobacco by them Shipped.

Be it also Ordained and Enacted by the Authority aforesaid, for the discovery of the number of Hogheads each Ship or Vessel contains, that the Master of such Ship or Vessel shall deliver his Boats-swains Book to the perusal of the Collector, and make Oath of the Truth of the same so far as he knoweth; and that the Mates, Boats-swain, or any other Sea man be sworn, if the Collectors see cause to discover the Truth of the said Freight,

Masters of Ships shall give an Account of their Freight to the Collector upon Oath.

And if any Master of Ship or Vessel, shall wilfully or willingly conceal any part of his Freight from the Collector, and shall thereof be lawfully convicted; then the said Master shall forfeit for every such Offense the Sum of One hundred pounds *sterling*, one Moiety thereof to go to the Informer, and the other to the Publick, and to be recovered by Action of Debt, Bill or Plaint in General Court or County Court, by vertue of this Act, against which no Assize, Wager of Law or Protection to be allowed to any Person so offending; Be it further Enacted and Ordained; That if any Masters shall pass Bills of Exchange for the said Imposition, that then the Collectors are hereby required to take sufficient Caution of the said Master for the true and good Payment of the same: It is hereby also Ordained and Enacted, That the Collectors of the several Rivers and Places in *Virginia*, for the Receiving of the said Two Shillings per Hoghead, be appointed and confirmed by this present Grand Assembly, and give sufficient Security and Caution for the due Execution of the trust thereby reposed in them; and to be accountable to the next Assembly according to the tenor of this Act; and the said Collectors to be allowed Ten per Cent. fallery for collecting the said Imposition: Provided always, and it is hereby Ordained and Enacted by the authority aforesaid, That this present Act of Assembly be and remain in force.

Masters of Ships concealing any part of their Freight, fined 100 l. *sterling*.

The Collectors Sallery.

CXXIX. Every



## CXXIX.

*Every Inhabitant in Northumberland and Westmorland Counties to give an Account how many Hogsheads of Tobacco they made, and to whom sold.*

**W**Hereas the Imposition of Two Shillings *per* Hogshead cannot conveniently be levied upon Masters of Ships that come into *Potomack River*, by reason of their Anchoring in the Dominions of the Lord *Baltimore*, whence they send their Sloops and Boats to fetch the Tobacco made in this Country without paying the said Imposition. Be it therefore Enacted, That every Planter in the Counties of *Northumberland* and *Westmorland*, shall certify into the Collectors Office, or unto his Deputy, the number of Hogsheads of Tobacco made by him and his Family, and to whom they are sold, and shall not suffer any of the said Hogsheads of Tobacco to be carried out of his House until he receive Certificate from the said Collector, that the Imposition of the said Tobacco is paid: And if any Planter shall contrary to this Act, suffer any of his Tobacco to be carried on board any Ship, Boat, or Sloop,; without such Certificate, then the said Planter to be Fined 20 s. for every Hogshead so carried away without Certificate as aforesaid.

Whereas the like inconveniences are incident to *Northampton County* and lower *Norfolk*, in recovering the Impositions of Two, and Ten Shillings *per* Hogshead; as to the River of *Potomack*, by reason of the transportation of much of the Tobacco made in those places in Sloops to *Mary-Land*: Be it Enacted, That the Provisional Act made the last Assembly for Payment of those Duties in *Potomack River*, extend and be in force in the said Counties of *Lower Norfolk* and *Northampton*, and that the Collectors appoint certain Persons to take account of the Planters according to the tenor of this Act.

CXXX. Pay-

## CXXX.

*Payment of Fort-Duties in Accomack,  
&c.*

**V** Hereas there is an Act of the last Assembly providing for the securing of the payment of the 2 s. *per* Hdd. due to the Countrey, but no Provision made therein for the securing the payment of Fort Duties of *Potomack*, *Accomack*, and *Lyn Haven*, from whence they fetch their *Tobacco* in Sloops : Be it Enacted, That the said Act shall extend as well to cause the Planters loading it, to reserve and make payment of Three Pence *per* Hoghead for Fort Duties of the said *Tobacco*, as for the payment of the 2 s. *per* Hoghead.

*Three pence  
per Hoghead  
payable for  
Fort Duties in  
Accomack,  
&c.*

## CXXXI.

*Ten Shillings per Hoghead,*

**W** Hereas the prudence of all Nations hath provided for the defraying the publick necessary Charges of the Countrey, rather by laying an Imposition upon the Adventurers for the Staple Commodities of the Countrey, by the exportation of which the greatest advantage accrues, then by taxing the persons of the Inhabitants ; this present Grand Assembly endeavouring as much as in them lies, to ease the burthen of the People ; and taking into Consideration the great benefit that accrues to other Countreys, by the Customs arising from our Commodity *Tobacco* ; and that *Virginia*, whose particular Staple it is, hath from it, nor from the Adventurers hither, no publick advantage ; We have thought it necessary and convenient, and accordingly have Enacted and Confirmed, That all Merchants, Masters of Ships and Mariners, trading to *Virginia*, and not bound by Charter-party to return and discharge in any of the *English* Dominions in *Europe*, shall pay for every Hog-

B b

head

*Inhabitants  
of this Coun-  
try trading  
on Bottoms  
belonging to  
Virginia-  
Owners, freed  
from payment  
of the 10s.  
per Hoghead.*

head of *Tobacco*, they shall load aboard any Ship, Barque, or other Vessel, arriving here after the First of *August* next, and not bound as aforesaid, Ten Shillings *Sterling* either in Money or good Bills of Exchange, with good Caution or in good valuable Commodities, at 25 *per Cent.* Advance: Provided always. That all Adventurers Inhabitants of this Countrey, trading in Bottoms belonging to *Virginia*-Owners, shall be free from the said Imposition; it tending to the advancement of Trade here, and the incouragement of the Inhabitants to purchase Vessels, and of Mariners to make this their place of Residence.

## CXXXII.

## Castle-Duties to be Paid.

*Masters of  
Ships shall  
give an Ac-  
count of the  
Burthen of  
their Vessels;  
and a List of  
their Passen-  
gers, to the  
Collector of  
Castle-Duties.*

*Half a pound  
of Powder,  
3 l. of Leaden  
Shot, and 6 d.  
per Poll, pay-  
able for Castle  
Duties.*

**W**Hereas the Castle-Duties granted by his Majesty to Collonel *Francis Morrison*, Captain of the Fort at *Poznt-Comfort*, are rendred of no value, by the Charge of Boat and hands going to Collect them; and the inconsiderableness of the Commodities they are paid in, being commonly the refuse of their cargo: Be it therefore Enacted, That all Masters of Ships and other Vessels, being thereunto required by the Officer appointed by the said Collonel *Morrison*, shall give in a true Burthen of the Ships or Vessels, and the List of their Passengers, at such convenient places, and to such persons, as the said Collonel *Morrison* shall in each River appoint, upon Oath to be administered by his said Collector or Officer, if a Commissioner, or else by any one or two Commissioners; and if any Master shall make false Entry either of his Burthen or List of Passengers, then he shall upon proof thereof made, pay Treble Duties for the number of Passengers or quantity of Tuns concealed; the same to be recovered out of the Estate of the Master so offending; and the like Penalty upon all such Masters, as shall without coming into Harbour, fetch away their loading in Sloops or Boats: And what Master soever shall not pay his Duties in kind, being half a pound of Powder, and three pound of Leaden-Shot *per Tun*, and Six pence *per Poll* for every person imported, not being a Mariner, that then he shall pay in lieu thereof One Shilling *per Tun*, and Six pence *per Poll*, either in Money



Money or Goods, as they cost at the first Penny; and that the Collectors thereof transmit the said Entries of Ships and Passengers, under the hand of the said Masters, to the said Collonel *Morrison*, to be by him recorded in his *Fort-Book*, as formerly hath been accustomed.

CXXXIII.

*Ships to come up to James City.*

**VV** Hereas the Kings Majesties frequent Instructions, hath Commanded that all Masters of Ships arriving in this Countrey, should before they break Bulk bring up their Ships to *James City*, which by reason of the seating of the Inhabitants in divers Rivers, cannot without much prejudice to the said Masters extend to all parts of the Countrey; yet that his Majesties Commands may as much as in us lieth be effectually obeyed; We the Governour, Council, and Burgesses of this Grand Assembly, have thought fit to Enact, and be it Enacted by the Authority aforesaid, That all Ships whatsoever arriving in *James River*, do accordingly with the first Fair Wind and Weather after their arrival, bring up their Ships to *James City*, and there make Entry of their Ships, take out Licence to Trade, and perform such other things as they shall be there certified the Laws of the Countrey do enjoyn them.

*Ships arriving in James River, shall be brought up to James City.*

CXXXIV.

*Priviledge of Virginia-Owners.*

**VV** Hereas some doubts have arisen about the priviledge of *Virginia*-Owners and their exemption from the payment of the Duties of Two, and Ten Shillings *per* Hogthead: Be it Enacted and Declared, That the said Priviledge is granted only to the Owners and Adventurers in such Vessels as solely and wholly

*Such Vessels  
only as solely  
and wholly be-  
long to the In-  
habitants of  
this Collony  
freed from pay-  
ment of the  
2 s. and 10 s.  
per Hoghead.*

wholly belong to the Inhabitants of this Countrey, and not to such persons as are only Partners of Vessels, whose other Partners dwell in other Countreys, and the Governour be Judge of such Proprieties and certifie the same to the Collectors.

## CXXXV.

*A Publick Notary appointed.*

**W**Hereas for want of a Publick Notary, the Certificates and other Instruments to be sent out of this Countrey, have not that Credit given them in Foreign parts as duly they ought: Be it therefore Enacted, That *Henry Randolph* Clerk of the Assembly, be authorized and sworn a Publick Notary for this Countrey, to whose attestation at home and abroad We desire all Credence may be given.

## CXXXVI.

*Acts concerning the Indians.*

**W**Hereas the mutual Discontents, Complaints, Jealousies and Fears, of *English* and *Indians*, proceed chiefly from the violent Intrusions of divers *English* made into their Lands, forcing the *Indians*, by way of Revenge, to kill the Cattle and Hogs of the *English*; and by that means Injuries being done on both sides, Reports and Rumours are spread of the hostile Inventions of each to others, tending infinitely to the disturbance of the Peace of his Majesties Countrey; and whereas the Laws prohibiting the purchase of any *Indians* Lands, (unless acknowledged at *General Courts* or *Assemblies*, by reason it is as easie to fright them to a publick as well as a private acknowledgment) are made fruitless and ineffectual,

Equal, corrupt Interpreters often adding to this Mischief, by rendring them willing to surrender, when indeed they intended to have received a confirmation of their own Rights, and a redress of their Wrongs; which Mischiefs had they continued, must needs have involved the Countrey into an inevitable and destructive War: For Remedy of which Inconveniences, and that for the future a sure equitable Peace may be established, the Governour, Council, and Burgeses, out of their tender care of Justice, and the Peace of this his Majesties Countrey; have Enacted, Ordained and Confirmed, and do by these presents Enact, Ordain, and Confirm, That for the future, No *Indian* King or other, shall upon any pretence alien or sell, nor no *English* for any Cause or Consideration whatsoever, purchase or buy, any Tract or parcel of Land now justly claimed, or actually possessed by any *Indian* or *Indians* whatsoever; all such Bargains and Sales hereafter made or pretended to be made, being hereby declared to be invalid, void, and null, any Acknowledgment, Surrender Law, or Custom, formerly used to the contrary notwithstanding: And further, That the *Indians* properties in their goods, be hereby assured and confirmed to them, and their persons so secured, that whoever shall defraud or take from them their Goods, or do hurt or injury to their persons, shall make such Satisfaction, and suffer such Punishments as the Laws of *England*, or this Countrey do inflict, if the same had been done to an *English-man*.

No Purchase shall be made by the *English*, of any Land now justly claimed or actually possessed by the *Indians*.

No Injuries shall be done to the *Indians*.

And be it further Enacted, That what *English-man* hath already, contrary to the Laws formerly in force, for surrendring and acknowledging *Indians-Lands*, made incroachments or seated upon them, shall if they make not good proof of their Title, upon Complaint made, be by Order directed to the Sheriff to execute, removed from their Seats of Land thus wrongfully incroached, and all Houses by them, built upon the said Lands be demolished and burned.

And be it further Enacted, That all *English-Men* having by Surrenders made at Quarter-Courts or Assemblies, procured a colourable right to any Land, by the said *English* now seated within Three Miles of any *Indians*, for prevention of the injuries done to the *Indians* by the said *English-Mens* Hogs and Cattle, shall send such number of hands as they

Such of the *English* as are seated near the *Indians*, shall assist them in making a Fence.



they shall be appointed by Commissioners to be authorized by the Governor, to help the *Indians* to fence in a Corn Field, proportionable to the number of Persons the said *Indian* Town doth consist of ; and that after such Fence once made sufficiently , according to the Act of the Assembly , if the *Indians* keep it not in repair , what damages soever they shall afterwards sustain, shall be at the hazard and sole loss of them the said *Indians*.

And be it further Enacted, That for the better relief of the poor *Indians*, whom the seating of the *English* hath forced from their wonted conveniences of Oystering, Fishing, and Gathering Tuckahoe Cortenions , and other wild Fruits , by which they were wonted for a great part of the year to subsist: Be it therefore Enacted, Granted, and Confirmed, That the said *Indians*, upon address made to Two of the Justices of that County, they desiring to Oyster , or Gather Wild Fruits in as aforesaid; they the said Justices shall grant a Licence to the said *Indians* to Oyster or gather Wild Fruits, as aforesaid : Provided the said Justices limit the time the *Indians* are to stay ; and the *Indians* bring not with them any Guns or Ammunitions, or other offensive Weapons, but only such Tooles or Implements as serve for the end of their coming : And if any *English* Man shall presume to take from the *Indians* so coming in, any of their Goods , or shall Kill, Wound, or Maim any *Indian*, he shall suffer as if he had done the same to an *English* Man, and be Fined for his contempt.

Poor *Indians* may be licensed to Fish for Oysters, and gather Wild Fruits. Provided they come not Armed.

No person whatever shall buy or receive any Commodity of the *Indians*, without licence.

And because many under-hand and unlicensed Traders do truck and trade with the *Indians* (contrary to the Act of Assembly, and to the great prejudice of all such as legally procure Commissions from the Governour) under pretence that the things trucked for be given them by the *Indians* : Be it therefore Enacted, That what persons soever, shall upon any pretence whatsoever, buy, take, or receive , any thing or commodity , from an *Indian* , shall upon proof thereof at any Court, be ordered to pay treble the value of the thing received, to the person injured thereby.

Differences arising in Trade with the *Indians*, shall be referred to the Governour.

And because sometimes differences may arise between the *Indians* and those they trade with , which if we should proceed by way of Arrest , might tend much to the disturbance of the peace of the Countrey : Be it therefore Enacted, That any Commissioned Trader having a Difference with any *Indian* King or other , shall repair to the Governour for him or such

such other as he shall appoint, to determine the matter in controverse between them.

And because the imprisonment of an Indian may bring a War upon the Countrey, and consequently the making of Peace and War being wrested out of those hands it is by his Majesties Commission intrusted, into the power of every Individual in the Countrey: Be it therefore Enacted, That no person of what quality soever, presume to imprison any Indian King, without a special Warrant from the Governour and two of the Council, as they will answer the contrary at their uttermost peril.

No person shall imprison any Indian King without Warrant from the Governour and two of the Council.

And because this Act cannot be put in Execution without Commissioners to view the present Bounds of the English and Indians: Be it therefore Enacted, That the Honourable Governour be desired and authorized to appoint uninteressed persons Commissioners, to go with parties of Horse to the severall Indian Towns, and there to proclaim these and the following Articles of Peace between us and the Indians, to settle the Bounds between us, and to appoint others of the most integrity, to fix the time and assess the Work, to help the Indians fence, and all other things by this Act enjoyned. And for prevention of future Intrenchments beyond the Bounds once fixed, Be it further Enacted, That the Governour be desired and authorized to commisionate certain Persons annually to visit the same, and to take care that no intrenchment be henceforth made upon the Indians.

Bounds between the English and the Indians, shall be fixe.

And Commissioners thereto appointed, shall view the same annually.

And because an interval between the Indians, cannot in the present nearness of seating, be so laid out as may wholly secure the English from the Indians coming in and pilfering things from them, if a free entercourse be admitted: Be it therefore Enacted, for the prevention thereof, and to the end that the Nations may be distinguished, and so if they are taken in the manner of doing any injuries, the sufferers know to what Kings to address themselves for remedy, That Badges (viz. Silver Plates and Copper Plates, with the Name of the Town graven upon them,) be given to all adjacent Kings within our protection; and that all the said Kings give it in charge to their People, that none of them presume upon what occasion soever, to come within the English Bounds without those Badges upon them, or one with a Badge in their

Indians shall not come within the bounds of the English, without Badges.

their company; and if any damage or injury be done to any *English Man* by them or any of them, that then the King or Great Man of the Place the Badges denote, shall be answerable for it; and if any shall, notwithstanding this Injunction, be found in our Bounds without any such Badge, or not accompanied with one that shall have them, that then it shall be lawful for any *English Man* to carry him or them before any Justice of the Peace, who shall keep him or them in safe custody, until their King or Great Man ransom them, by paying One hundred Arms length of *Roranoake* for each *Indian* so taken, to be disposed of by the Publick: Provided always, That if any *English Man* shall be found or proved to have taken away any of their Badges, thereby to make the *Indians* guilty of breaking this Law, That then the person so offending shall be set in the Pillory two hours on the Courtday, in the County where they have committed the Offence, with their Fault in great Letters written upon them, and to be fined Five thousand Pounds of *Tobacco* to the use of the Publick; and in case of disability, lie Six Months in Prison, without Bail or Main-prize: And be it further Enacted, That all *Indian Kings* Tributary to the *English*, when they have the least notice of any March by any strange *Indians*, near our Quarters, shall repair themselves, or at least send some one of their Great Men, to the next of the *Militia*, which shall be nominated and appointed by the Governour for that purpose, and acquaint him with as much as they know concerning the Nation, the Numbers, and which Way they conceive they will bend their Course; and if they then shall desire any aid from us to secure them, that a Party be sent presently out by the Collonel of the *Militia* to that purpose; which by this our assistance and reciprocal care, will make them and us have an equal interest in each others preservation; while on the other side we being ignorant of the Marches of Forreigners, impute all damages we then receive which is then commonly most to our Neighbours, how innocent soever.

Indian  
Kings who  
are tributary  
to the English,  
shall acquaint them  
of any Invasion  
they know of,  
intended by  
any strange  
Indians upon  
this Colony.

And it is further Enacted, That if any *Indian*, by the inveigling of any *English*, or of his own will, shall without leave of the King or great Man of the Place, come within the bounds limited them, and there procure harbour or entertainment, it shall be lawful for any *English Man* to take the said *Indian* and to convey him to his Town to be punished, and to recover of the *English Man* that harboured

Penalty of  
harbouring  
Run-away  
Indians.

or



or entertained him, so much *per* day as by the Law for entertaining other run-aways is recoverable.

And be it further Enacted, That what *English Man*, Trader, or other, shall bring in any *Indians* as Servants, and shall assign them over to any other, shall not sell them for Slaves, nor for any other time than *English* of the like ages should serve by Act of Assembly.

And because heretofore many entertained *Indians* by Licences of particular Persons, who did much damage to their Neighbours: Be it henceforth Enacted, That no Person of what Quality soever, shall entertain any of our Neighbouring *Indians* as servants or otherwise, unless by a Licence obtained from the Governour himself upon their Obligation that desire it, to be answerable for all the injuries and damages that the *Indians* by them entertained, shall do to any *English*.

No person shall entertain any of the Neighbouring Indians for Servants without Licence from the Governour.

CXXXVII.

Clerks Fees to be paid.

Whereas by a former Act of Assembly, *Clerks of Courts* were made incapable of recovering their *Fees* after they had been Two Years due: Be it Enacted, That the said Act be repealed, and that all their Accounts shall be Three years pleadable, and that hereafter all *Sheriffs* or *Collectors* shall either receive, distrain for, or secure by Bill, all *Secretary* or *Clerk of Courts Accounts* delivered them, and be allowed Ten *per Cent.* for what is received, and Five *per Cent.* for what Bills are taken; and the *Sheriff* or other *Collector* not receiving, or securing as aforesaid, to be responsible for the Account omitted: Provided, That they the said *Sheriff* or *Collector*, shall not be liable for the Account of any Person removing out of the County before the laying the *Levy*, unless they receive the *Levies* or *Sheriffs Fees*, and then to be accountable for the *Clerks Fees* also: Provided also, That the *Clerks* deliver or send their Accounts attested under their Hands, to the said *Sheriff* or *Collectors*, within four days after laying the *Levy* in their several *Counties*.

Clerks Fees shall be pleadable Three years.

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The

*The Secretaries Fees.*

**B**E it Enacted and Confirmed by this present Grand Assembly, That the Secretaries Fees shall be as followeth : viz.

	I. Tob.
Imprimis, For a Patent and recording it, _____	80
For a Commission of Administration and recording it, _____	60
For a Probate and recording it, _____	60
For a Commission to trade, _____	50
For a Deposition, _____	15
For a Bond and recording it, _____	40
For a Copy of a Patent, _____	30
For recording a Letter of Attorney, _____	30
For recording a Will, _____	30
For a common Warrant, _____	15
For an Order, _____	15
For a Copy of an Order, _____	15
For recording a Bill or Receipt, _____	10
For an Execution, _____	30
For a Pass, _____	30
For a Subpcena, _____	15
For a Petition if writ, _____	15
For a Certificate for Lands, _____	15
For a Copy of an Act of Assembly, _____	15
For recording a Bill of Sale or such like, _____	30
For a Commission for the Militia or Court, _____	50

*County-Court-Clerks-Fees.*

**B**E it also further Enacted, That the County-Court-Clerks-Fees be as followeth : viz.

	I. Tob.
Imprimis, For an Action, _____	8
For entring an Order, _____	8
For the Copy of an Order, _____	8
For an Execution, _____	15
For an Attachment, _____	15

For a Deposition, _____	10
For a Copy of a Deposition, _____	10
For Administrations and Probates, both at _____	60
For a Subpœna, _____	10
For a Petition if they write it, _____	10
For Entry of a Petition, _____	3
For a Certificate for Land, _____	20
For any other Certificate, _____	10
For recording of any Business (Orphans excepted.) _____	20
For recording Inventories and Conveyances, _____	30
For a Scire Facias in any Court, _____	10

And if any thing else be done by them then what is here exprest, the Commissioners to adjudge the Fee.

### The Sheriffs Fees.

**B**E it also Enacted, That the Sheriffs Fees shall be as followeth: viz.

	l. Tob.
Imprimis, For an Arrest, _____	10
For Bond, _____	15
For going into Prison, _____	10
For Whipping, _____	20
For Pillory, _____	20
For serving a Subpœna, _____	10
For serving an Execution if under 100 l. of Tobacco, _____	10
If above 100 to 500, _____	20
If above 500 to a Thousand, _____	40
If unto Two Thousand, _____	60
If above Two Thousand, Ten Pounds per Thousand.	
For Summoning and Impannelling a Jury for every Cause Twelve Pounds of Tobacco, and for every person Summoned Five Pounds of Tobacco. Attatchments as for Arrests. And if further trouble; to be al- lowed by the Court.	

And whereas some of the Sheriffs Fees upon Execution have heretofore seemed to have been Arbitrary, this Assembly have thought fit to ascertain them, and to Enact, That he shall have for Summoning every Appraizer Ten Pounds



Pounds of *Tobacco*, and the *Appraizer* to have Thirty Pounds of *Tobacco per Cause* if they finish it in one day, and 30 *per day* if they are longer about it.

### *The Clerk of the Assemblies Fees.*

**B**E it Enacted by this present Grand Assembly, That the Clerk of the Assemblies Fees shall be as followeth: *viz.*

	l. Tob.
<i>Imprimis</i> , For Entry of a Cause by Return,	2
Plea, or Petition, _____	5
For an Order and Copy of an Order, _____	20
For Denization, _____	50
For Naturalizing, _____	50
For County Courts Commissions, _____	50
For Militia Commissions if granted by Assembly, _____	50
For Copying the Acts of every Assembly, _____	300
For the whole Body of the Acts Writing, _____	300
For Attesting Act of Assembly copying Answer and Replies,	

### CXXXVIII.

#### *Interpreters made of the Countrey.*

**W**Hereas Coll. *John Flood* hath long and faithfully served this Countrey in the Office of an Interpreter, and being now deceased: It is Enacted, That *Thomas Flood*, Son of the said Coll. *John Flood*, shall be received into the place of his Father, and that *Henry Newcombe* be likewise made Interpreter for the *Norwood*.

At a Grand Assembly held at *JAMES CITY* the 23<sup>d</sup> of *December* 1662, and in the Fourteenth Year of our Sovereign Lord King *CHARLES II.*

I.

*An Act concerning Sheriffs, making false Returns.*

**W** Hereas the Sheriffs of the severall respective Counties, do often contrary to act of Assembly, accept of the promise of the Party Arrested, instead of taking Bail, which by Act he is enjoyned to do, and yet to save himself Harmless, doth make false Returns, *viz.* That the Writ could not be Executed, whereby the Creditor is delayed in the Suit, or *Non est inventus*, whereby Attachment issues to the damage of the Defendant: Be it therefore Enacted by this present Grand Assembly and the Authority thereof, That every Sheriff that shall be proved to have executed the Writ, and yet make such false Return, shall be fined Three thousand pounds of Tobacco, one half to the Publick and the other half to the Party damaged or delayed, as aforesaid.

*The Penality of Sheriffs making false Returns.*

## II.

*An Act concerning Servants, Owners of Goods.*

*Servants  
Goods are to  
be disposed of  
for their own  
use.*

**W**Hereas many Servants imported into this Countrey, being ignorant of the Customs here, do sometimes bring in with them a small Parcel of Goods, or have them sent afterwards by their Friends, which usually either the party that Imports them, or he to whom they are Assigned, as Servants converted to their own use: Be it therefore Enacted by this present Grand Assembly and the Authority thereof, That all Servants bringing Goods in with them, not being their Own wearing Apparel, or having them Consigned to them during the time of their Service, shall have the propriety in their own Goods, and by permission of their Masters dispose of the same for their own future advantage.

## III.

*An Act against Persons that refuse to have their Children Baptized.*

*The Penal-  
ty of refusing  
to have Chil-  
dren Bapti-  
zed.*

**W**Hereas many Scismatical Persons, either out of aversness to the Orthodox Established Religion, or out of the new-fangled conceits of their own Heretical inventions, refuse to have their *Children Baptized*: Be it therefore Enacted by this present Grand Assembly and the Authority thereof, That all and every person and persons, that in contempt of the Divine Sacrament of *Baptism*, shall refuse, when he or they may carry their Children to a Lawful Minister in that County, where he or they dwell, to have them *Baptized*, shall be amerced Two thousand pounds of Tobacco, half to the Parish, half to the Informer.

IV. *An*



## IV.

*An Act declaring how Judgment shall be passed upon a Non est Inventus Returned.*

**W**Hereas by the present Law when a *Non est Inventus* is Returned, Attachment is granted Returnable the next Court, and Judgment upon the Attachment the Court following; yet if the Arrest be upon an Action of the Case, upon Account prescribes no way of making proof of the Debt, the Act for Accounts referring them to the Oath of the Debtor: Be it therefore Enacted by the Authority aforesaid, That henceforth in all such Cases the Creditors Oath shall be taken to his Account, and Judgment pass for the same he deposeth to be due to him; and in like manner where Bail is taken, and the Defendant appears not upon proof made by the Oath of the Creditor, as aforesaid, Judgment shall pass against the Bail for the Debt.

*Proceedings  
in case of a  
Non est In-  
ventus.*

## V.

*An Act for Punishment of Scandalous Persons.*

**V**Hereas many Babling Women slander and scandalize their Neighbours, for which their poor Husbands are often involved in chargeable and vexatious Suits, and cast in great Damages: Be it therefore Enacted by the Authority aforesaid, That in Actions of Slander, occasioned by the Wife, after Judgment passed for the Damages, the Woman shall be punished by Ducking; and if the Slander be so enormous as to be adjudged at greater Damages then Five hundred pounds of Tobacco, then the Woman to suffer a Ducking for each Five hundred pounds of

*Babling and  
Slandercus  
Women, to be  
punished by  
Ducking.*

of Tobacco adjudged against the Husband, if he refuse to pay the Tobacco.

## VI.

*An Act concerning VVomen-Servants,  
got with Child by their Masters.*

*Women-Servants gotten with Child by their Masters, how to be dealt withal.*

**VV** Hereas by an Act of Assembly made the 23 of *March* 1661, every Woman-Servant having a Bastard, is (to repair the trouble and charges sustained by the Master) to serve two years after her time by Indenture is expired, and late experience shewing that some dissolute Masters having themselves gotten their Women-Servants with Child, yet have shamelessly claimed the benefit of their Service; and on the other side, if a Woman got with Child by her Master, should be freed from that Service, it might probably induce such loose persons to lay all their Bastards to their Masters: It is therefore thought fit and accordingly Enacted, That from henceforward each Woman-Servant got with Child by her Master, shall after her time by Indenture or Custom is expired, be by the Church-Wardens of the Parish where she lived, when she was brought to Bed of such Bastard, sold for two years, and the Tobacco be employed by the *Vestry* for the use of the Parish.

## VII.

*An Act compelling VVitnessees Subpoenaed, to deliver their Evidence upon Oath.*

*Refusal of giving Evidence punishable by Imprisonment.*

**VV** Hereas the Law of the Countrey already made, prescribes no way of compelling Witnessees to give in their Evidence upon Oath: Be it therefore Enacted, That henceforth all Witnessees Subpoenaed to give Evidence in any cause, if they refuse

refuse to declare it upon Oath, shall be committed to Prison, and there remain until they declare their Evidence upon Oath.

VIII.

*An Act concerning Servants being the reputed Father of Bastard-Children.*

**VV** Hereas by the present Law of this Countrey, the punishment of a reputed Father of a Bastard-Child, is the keeping of the Child, and saving the Parish harmless; and if it should heppen the reputed Father to be a Servant, who can no ways accomplish the penalty of that act: Be it therefore Enacted by the Authority aforesaid, That where any Bastard-Child is gotten by a Servant, the Parish shall take care to keep the Child, during the time the reputed Father hath to serve by Indenture or Custom, and that after the said reputed Father is Free, he shall make Satisfaction to the Parish.

*Reputed  
Fathers of  
Bastard-Children, if Servants, how  
to be dealt  
withal.*

IX.

*An Act enjoyning the recording all Conveyances made in England in the Secretaries Office.*

**VV** Hereas daily Experience sheweth that many Persons, Inhabitants of this Countrey, do privily make over their Estates to others in England, and by that means defraud all their Creditors in this Countrey of their just Debts: Be it therefore En-  
F f acted,



*All Conveyances shall be recorded in the Secretaries Office.*

acted, That all Conveyances of any Estates in this Countrey made over to any person in *England*, or Authentique Copies, shall be sent over to this Countrey the next Shipping after they are made, and be here manifested in the *General Court*, and recorded in the Secretaries Office, or else to be held for fraudulent and of no force, to the barring the Claim of any Creditor in this Countrey.

## X.

*An Act for Defendants in Appeals, to give in Security to answer the Appeal.*

*All Defendants in Appeals shall give Bail for their Appearance.*

**W** Hereas by the Laws of this Countrey, all Appellants from any Court are bound to Prosecute their Appeals, but the Defendant left at liberty without Security for his Appearance: Be it therefore Enacted, That henceforth all Defendants in Appeals shall give Bail for their Appearance, as in case of Arrests, and the Sheriff and Bail to be responsible for Non-appearance, as in case of Arrests.

## XI.

*An Act concerning Servants, brought in under Sixteen years of age.*

*Servants brought in without Indentures, what to be done in that Case.*

**W** Hereas by act of Assembly, the several Courts are appointed Judges of the age of Servants, coming in without Indentures, but no time limited after their arrival for the bringing of them to those Courts: Be it therefore Enacted, That every Master buying or bringing in a Servant without Indentures, shall be, and hereby is enjoyned to carry him to the Court, within four

four Months after he hath bought him, when the best Judgment may be given of his Age, or else the Servant shall not serve any longer than those of Sixteen years are to serve by the Custom of the Countrey.

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XII.

*An Act for Mulatto Children, being bound or free according to Condition of the Mother.*

W<sup>H</sup>ereas some doubts have arisen, whether Children got by an *English Man* upon a *Negro Woman*, should be Slaves or Free: Be it therefore Enacted and Declared by this present Grand Assembly, That all Children born in this Countrey, shall be held Bond or Free according to the condition of the Mother, and that if any Christian shall commit Fornication with a *Negro Man* or *Woman*; he or she so offending, shall pay double the Fines imposed on Fornication by the former Act.

*Fornication with a Negro-Man or Woman punishable.*

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XIII.

*An Act declaring Women-Servants Tythable.*

W<sup>H</sup>ereas divers persons purchase *Women-Servants* to work in the Ground, that thereby they may avoid the payment of Levies: Be it therefore Enacted, That all Women-Servants, whose common Employment is working in the Ground, shall be reputed Tythable, and Levies paid for them accordingly, and that every Master of a Family not giving an account of such in his List of Tythables, shall be fined as for other Concealments.

*Woman-Servants working in the Ground Tythable.*

XIV. *An*

## XIV.

*An Act ascertaining Damages upon  
Bills protested. Vide Act 18th  
Anno 1666.*

## XV.

*An Act empowering Counties or Pa-  
rishes to make By-Laws.*

*By-Laws  
to be obeyed  
by the Inhabi-  
tants of the  
said Counties.*

**W**Hereas some particular Inconveniences may happen in a respective County or Parish, which cannot well be concluded or remedied by a General Law: It is therefore Enacted, That the respective Counties, and the several Parishes in those Counties, shall have, and hereby are empowered to have liberty to make By-Laws for themselves; which Laws so constituted and approved by the Major part of the said Counties or Parishes, shall be binding upon them as fully as any General Act.

## XV.

*An Act for building a Town. Vide  
Act 5th 1680.*

## XVI.

*An Act for the Imposition of 2s. per  
Hogshead.*

**W**Hereas the Kings most Excellent Majesty hath been graciously pleased by his Instructions to the Right Honourable Sir William Berkley, bearing date the 12th day of September



September 1662, to confirm the Imposition of Two Shillings, imposed by a former Act of Assembly upon every Hogshead of Tobacco exported out of this Collony, with the Limitations offered to his Majesty by his Majesties Council of Trade for the Plantations. Be it therefore Enacted by this present Grand Assembly, That the Limitations of the said Order of his Majesties Council for Plantations, be strictly observed; And that no Merchant, Master, Mariner, or any person or persons, that shall receive and Ship on board any Ship, Vessel, Barque, Sloop or Boat, any Tobacco, before the said Imposition of Two Shillings *per* Hogshead be duly paid in Moneys, or in the value thereof, in Goods or Merchandizes, unto the Collector or Collectors appointed by the Right Honourable the Governour, and due Certificate or Cocquet from him or them received. And in Case any Master shall receive any Tobaccos on board, without such Cocquets or Certificates first had from the said Collector or Collectors; all such goods to be Confiscated to the use of the Publick.

*Two Shillings to be paid for every Hogshead of Tobacco Exported. Upon default to be confiscated.*

## XVII.

*An Act concerning Castle Duties.*

**W**Hereas the Act of Assembly enjoyning each Master of a Family to provide a certain quantity of Powder and Shot, for each Tythable in his Family, is rendred altogether ineffectual, unless a Means be prescribed how such Powder should be procured: Be it Enacted and Ordained by this present Grand Assembly, That for the better Supply of the Countrey, All Masters of Ships and Vessels may pay their Fort Duties in kind, *viz.* Half a Pound of Merchantable Musquet Powder and Three Pound of Leaden Shot for each Tun their Ship or Vessel is of Burthen, to the Captain of the Fort. And that the said Captain of the Fort shall be paid for what the said Powder and Shot shall amount to out of the Impost of 2 s. *per* Hogshead in Bills of *Exchange*, at the rate he received it from the Masters, *viz.* at One Shilling *per* Pound Powder, and Two Pence *per* Pound Shot: And it is further Enacted, That if

*The Masters of Ships may pay their Fort Duties in Musquet Powder and Shot.*

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any of the Masters of Ships or other Vessels, shall not pay their respective Fort Duties of Half a Pound of Powder and Three Pound of Shot, and Six Pence *per Poll*, all of them in their very kinds, that then the said Masters shall pay the same to the said Captain of the Fort, or in his Absence to his Attorney or Attorneys in Money or good Bills of Exchange; any other Act to the contrary notwithstanding.

## XVIII.

*An Act Imposing a Tax upon Horses, Repealed by the Second Act of Assembly, Anno 1665.*

## XIX.

*An Act for Incouragement to Build Vessels, Repealed by Act 15. 1666.*

## XX.

*An Act for Handy-craft-men to pay Levies.*

*Handy-crafts-men shall pay Levies.*

**VV** Hereas the necessity of the Countrey requires the laying upon it extraordinary Taxes at present: Be it therefore Enacted, That the former Act exempting Trades-men and Handy-crafts-men from paying Levies be suspended for Five years, and they to pay as formerly.

## XXI.

## XXI.

*An Act concerning Hides.*

**V**V Hereas the Act restraining the Exportation of Hides, lays the Penalty only upon the Buyer, and therefore produced not the Effect intended thereby, which was the supply of the Countrey with Leather: Be it therefore Enacted, That whosoever shall sell or otherwise dispose of any Hides contrary to the intent of the former Act, shall be Fined for every Hide so by him sold or otherwise disposed of, to be exported, One Thousand Pounds of Tobacco. Provided that Sale may be made of Hides to any person living in the Countrey, the Clause in a former Act prohibiting the same to be sold in the Countrey to the contrary notwithstanding.

*Such as sell  
Hides for Ex-  
portation, fin-  
ed 1000 l. of  
Tobacco for  
every Hide so  
sold.*

At a Grand Assembly held at JAMES CITY September 10th 1663, and in the Fifteenth Year of our Sovereign Lord King CHARLES II.

## I.

*An Act prohibiting the unlawful Assembling of Quakers.*

**W** Hereas it is evident of late times, that certain persons under the names of Quakers, and other names of separation, have taken up and maintained sundry dangerous Opinions and Tenets: And whereas the said persons under pretence of Religious Worship, do often Assemble themselves in great numbers in several parts of this Countrey, to the great indangering its publick peace and safety, and to the terror of the People,  
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Quakers,  
by other Sepa-  
ratists Assem-  
bling to the  
number of five  
under a pre-  
sence of Reli-  
gious Worship,  
how to be pu-  
nished.

Such per-  
sons being con-  
victed the  
Third time  
shall be banish-  
ed this Collony.

by maintaining a secret and strict Correspondency amongst themselves, and in the mean time separating themselves from the rest of his Majesties good and loyal Subjects, and from the Publick Congregations and places of Divine Worship and Service; for redressing whereof, and better preventing the many Mischiefs and Dangers that may and do arise by such dangerous Tenets and unlawful Assemblies: Be it Enacted, by this present Grand Assembly and the Authority thereof, That if any person or persons commonly called Quakers, or any other Separatist whatsoever in this Collony, shall at any time after the Publishing this Act in the severall respective Counties, depart from the place of their severall Habitations, and Assemble themselves to the number of Five or more, of the age of Sixteen years or upwards, at any one time, in any one place, under a pretence of joyning in a Religious Worship, not Authorized of *England* nor of this *Countrie*; That then in all and every such Case and Cases, the Party so Offending, being thereof Lawfully Convicted by the Verdict of Twelve Men, or by his own Confession, or by notorious Evidence of the Fact, shall for the first Offence, each Person forfeit and pay Two hundred pounds of Tobacco; and if any such person or persons being once convicted, shall again Offend therein, and shall in form aforesaid be thereof lawfully Convicted; shall for the Second Offence forfeit and pay Five hundred pounds of Tobacco, to be levied by Distress or Sale of the Goods of the Party so convicted, by Warrant from any one Justice of the Peace, before whom they shall be so convicted, rendring the Overplus to the Owners if any be; and for want of such distress, or for want of Ability of any Person amongst them to pay the said Fine or Fines, then it shall be lawful to levy and recover the same, from the rest of the Separatists or Quakers, or any one of them then present, that are of greater Abilities to pay the said Fine or Fines: And if any person after he or she in form aforesaid, hath been twice convicted of any the said Offences, shall Offend therein the third time, and thereof lawfully convicted, that then every such person so Offending and Convicted as aforesaid, shall for his or her third Offence be Banished this Collony of *Virginia* to the place the Governour and Council shall appoint: And be it further Enacted by the Power and Authority aforesaid, That each Master of Ship or Vessel that shall import or bring in any Quakers into this Collony, to reside after the first day of *July* next,

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unless by vertue of an Act of Parliament made in *England*, the Nineteenth day of *May*, in the Fourteenth year of the Reign of our Sovereign Lord the King, shall be fined Five thousand pounds of Tobacco, to be levied by Distress and Sale of the Masters Goods, by Warrant from any Justice of the Peace in the County where any such person or persons shall arrive, the same being proved by sufficient Evidence; and the said Master shall be further enjoined to carry him or them out of the Countrey again when his Ship returns, and to take especial Care to secure him, her, or them, so brought in as aforesaid; from spreading any seditious Tenets, whilst he, she, or they, remain in the Countrey: And be it further Enacted, That any person or persons Inhabitants of this Countrey, that shall entertain any Quakers in or near their Houses, to teach or preach, shall likewise be fined Five thousand pounds of Tobacco for each time they do so entertain them, to be levied by Distress and Sale of the persons Goods, by Order from the Justices of the Peace in the next County Court held for that County where the Fact was committed, before whom the said Fact shall be by Evidence proved: And be it further Enacted, for prevention of Neglects in the due Execution of this Act, by any Magistrate or Magistrates, Officer or Officers of this Collony, that in case any Justice of the Peace or any other Officer shall neglect the performance of their Duty in prosecuting this Act, or shall directly or indirectly connive at any Breaches thereof, he or they for every such Offence shall be fined Two thousand Pounds of Tobacco, to be levied by Distress and Sale of the Goods of the person so offending, he or they being thereof lawfully convicted by the Verdict of Twelve men, by his own confession, or evidence of Fact: And be it further Enacted by the Authority aforesaid, That all the Justices of the Peace in their several Counties, shall be hereafter impowred to enquire, hear, and determine all and every the Offences aforesaid within the limits of their Commission, and to give Warrant for the levying and distressing the Fines upon the Goods of the persons offending; all which said Fines mentioned in this Act shall be disposed of to the use and uses; purpose and purposes following; *viz*: The Two hundred, and Five hundred Pounds of Tobacco imposed on the Quakers and other Separatists for unlawful Assembling, shall be paid half to the Informer, half to the use of the Parish where the Fact was committed; that the Five thousand Pounds of Tobacco imposed on each Master that shall bring

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*Inhabitants  
that shall en-  
tertain  
Preaching  
Quakers, to be  
fined.*

*Justices of  
Peace within  
the limits of  
their Commis-  
sion to hear &  
determine Of-  
fences of this  
kind, and to  
grant their  
Warrants for  
levying of  
Fines.*

*Levies and  
Fines for un-  
lawful Assem-  
blies, how to be  
disposed of.*

in any Quaker, shall be paid half to the Informer, half to the use of the Parishes in the County where the person or persons do arrive; that the Five thousand pounds of Tobacco imposed upon every Inhabitant that shall entertain as aforesaid in or near his House any Quaker, shall be paid half to the Informer, half to the Parishes in the County where he lives for Pious uses; Provided always that the charge of their Apprehending must be first defrayed: That the Two thousand Pounds of Tobacco imposed upon any Magistrate or other Officer that shall neglect the due Prosecution of this Act, shall be paid half to the Informer, half to the Parishes in the County where he lives: Provided always, and be it further Enacted, That if any of the said persons, Quakers or other Separatists, shall after such Conviction as aforesaid, give Security, that he, she, or they, for the time to come forbear to meet in any such unlawful Assemblies as aforesaid, that then and from thenceforth such person or persons shall be discharged from all the Penalties aforesaid, any thing in this Act to the contrary notwithstanding: And be it further Enacted, That all Officers of this Countrey be hereby strictly enjoined to take notice of this Act, and to see the same put in due Execution.

## II.

### *An Act concerning the Bounds of this Colony on the Eastern-Shore.*

**H**IS Majesties Interest on the Eastern Shore of *Virginia*, together with some Concernments of the Lord *Baltamores*, coming into Consideration of the Right Honourable Governour, and Council, and Burgesses of this Grand Assembly, they pretermittting for the present some other of His Majesties Concerns of Land until a fitter opportunity do think fit for the present to Enact, And be it further Enacted by the said Right Honourable the Governour, Council, and Burgesses of this Grand Assembly, and the Authority thereof, That Publication be made so soon as possible by Coll. *Edmund Scarbrough* his Majesties Surveyor General of *Virginia*; Commanding in His Majesties Name all the Inhabitants of the Eastern Shore of *Virginia* from *Watkins* Point Southward to render Obedience to his Majesties Government of *Virginia*, and make payment of his



his Majesties Rents and all publick Dues to His Majesties Collony of *Virginia*. And whereas it hath been controverted by some ignorant ill-disposed persons, where *Watkins* Point the Lord *Baltamores* Southermost Bounds on the Eastern Shore is situate; This Grand Assembly by the care and special Enquiry of Five able selected Surveyors and Two Burgesses, and on the due Examination thereof, conclude the same place of *Watkins* Point to be the Northside of *Wiccommico* River on the Eastern Shore, and near unto and on the South side of the Streight *Lymbo*, opposite to *Potuxent* River; which place, according to Capt. *John Smith*, and Discoverers with him, in the year 1608 was so named, being the Lord *Baltamores* Bounds on the Eastern Shore, within which Bounds his Majesties Subjects which now are seated, are hereby commanded to yield due Obedience at their perils: And in case the Lord *Baltamores* Lieutenants or Deputies shall not be fully convinced of his or their actual or pretended Intrusions: This Grand Assembly of *Virginia* in due obedience making the particular part of *Virginia* their present care, on His Majesties behalf do engage and command Coll. *Edmund Scarborough*, Mr. *John Catlett*, and Mr. *Richard Lawrence*, or any two of them, whereof his Majesties Surveyor General to be one, That upon convenient Notice and Assignment of time and place at *Monakin*, or any other part of His Majesties Countrey of *Virginia*, on the Eastern Shore, they or any two of them as aforesaid, shall give a Meeting to the Lord *Baltamores* Lieutenants or Deputies, or his or their Substitutes as aforesaid, the account whereof to be returned to his Majesties Governour and Council of *Virginia*, and debate and determination thereof; and in the mean time all the Inabitants on the Eastern Shore as aforesaid, are required in his Majesties Name to conform due Obedience to this Act of Assembly: Be it also Enacted, That the Surveyor General of *Virginia* aforesaid, is hereby commanded and authorized to improve his best Abilities in all other his Majesties Concerns of Land relating to *Virginia*, especially that to the Northward of Forty Degrees of Latitude, being the utmost Bounds of the said Lord *Baltamores* Grant, and to give an account of his proceedings therein to the Right Honourable Governour and Council of *Virginia*.

The bounds  
of this Collony  
on the Eastern  
Shore.



## III.

*An Act prohibiting the Exportation of Deer-Skins or Calves-Skins. Vide Act 12. Anno 1680.*

## IV.

*An Act prohibiting the Entertainment of Indians without Badges.*

No English  
man sh<sup>l</sup> entertain  
Indians  
without Bad-  
ges.

**S**ince it is manifest that divers Thefts are committed by *Indians* on the South side of *James River*, with which the Neighbouring *Indians* being taxed, say and affirm it to be done by the *Tuscaroraes* and other remote Nations, who lying sculking about the English Plantations for private sinister Commerce, cannot be so easily discovered and taken, by reason that the penalty by Law for *Indians* coming in without a Badge is laid on the *Indians* only and not on the *English* entertaining them: Be it therefore Enacted, That what Englishman soever shall privately entertain any *Indian* or *Indians* of any Nation, not having a Badge according to Law, shall be liable to the same Censure and Penalty as the Law imposeth upon an *Indian* for such their illegal coming in; and that the Informer or Discoverer thereof shall have half of the said Penalty.

## V.

*An Act for better payment of the 10 s. per Hogshead Repealed by the 7th Act. Anno 1665.*

## VI.

*An Act concerning the Salt-Work at Accomack Repealed by 7th Act. Anno 1666.*

VII. *An*

VII.

*An Act for the exacter Discovery of concealed Tythables.*

**W**Hereas divers Masters of Families, notwithstanding the many Laws made to the contrary, do conceal some of their Families legally Tythable to a very considerable number as may justly be suspected in the whole Countrey, and consequently do enlarge the Taxes of those that do legally conform, for Remedy of the like Abuses hereafter: Be it therefore Enacted by this Grand Assembly, and the Authority thereof, That every Master of a Family shall give an exact Account of all Tythable persons in their said Family, with their several Names, to the next Magistrate appointed to receive the List, annually by the 10th of June. And in Case any such Master of a Family shall conceal any person or persons of his Family, then every such concealed person or persons shall be forfeited to him that shall make it appear, unless he was bought after the 10th day of June: But if any such concealed person, being a Servant, hath less than a year to serve, or if the person concealed be a Freeman, then for every such person the Master of the Family shall forfeit One thousand Weight of Tobacco: Provided always, That Women Servants be exempted out of this Act, which whether they are Tythable or not, is referred to the County Court to judge and determine.

*Masters to be fined for concealing Tythable persons in their Families.*

VIII.

*An Act concerning the pursuit of Run-aways.*

**W**Hereas the ordinary way of making pursuit after Run-away Servants by Hues and Cries, is by Experience found ineffectual for the recovery of them, and the pursuit at the particular Charge of the Master oftentimes impossible; for Remedy whereof, it is Enacted by this present Grand Assembly and the Authority thereof, That Pursuit after Run-aways be made at the Charge of the Countrey; for effecting whereof, any Justice at the instance of the Master or Masters of the Servants run

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away;

*Pursuit of  
Run-aways, to  
be made at the  
charge of the  
County.*

*The Pub-  
lick shall be re-  
imbursed for  
the Charge of  
their Impor-  
tation.*

*Satisfac-  
tion shall be made  
to the County.*

away, is hereby required, Authorized, and Impowered, to issue his Warrant for the pressing of Boat and Hands, or other dispatches, to make pursuit, the Charge whereof shall be defrayed in the next County Levy; and in case the said Fugitives, should notwithstanding such pursuit, make an Escape to any of the Dutch Plantations: It is Enacted, That Letters be written to the respective Governours of those Plantations to make seizure of all such Fugitive Servants, and to return them by the next convenient passage to any of the Collectors of the Rivers, the Vessel that brings them is bound to, and for satisfaction of their Charges, the said Collectors are hereby Authorized to give them his Certificate of the Receipt of his Servant, and of the Sum the Charge amounts to, which being produced by the said Importer or his Agent to the next Assembly or Committee for the Levy, the Sum certified shall be by them raised and paid to the said Importer or his lawful Agent, at such place as he shall desire: And it is further Enacted, That the said Collector shall with as much speed as may be, certify the Master of the said Servant of his having him in Custody: And in case the Master of the said Servant will pay the Charge of his Importation, then the said Collector is required to take the Bill of the said Master, with security if needful, to the use of the Publick, and to receive the same when due to the use aforesaid, and to deliver such Master or Masters, his or their Servant or Servants, who shall serve his or their Master or Masters for the time of his or their Absence and Charge disbursed, according to a former Act of Assembly in that Case provided; but if the said Master or Masters shall refuse to pay the Charge, then the said Collector is hereby impowered to sell the said Servant or Servants, or hire him or them out for so long time as may reimburse the Publick disbursement after which time expired; the said Servant or Servants shall be returned to his or their Master or Masters, and serve him or them the remainder of his or their time, and also for the time of his or their being run away, in which, what he serves for satisfaction of the Publick shall not be accounted: And it is further Enacted, That if the said Servant or Servants be taken by the pursuit of the County, That the County shall have such satisfaction as the Publick by Hire or Sale of the Servant.



IX.

*An Act for the half of all Fines, to be paid to the Informer.*

**W**Hereas several Penal Acts of Assembly refer the disposal of the fines to the Assembly, who ever intended the half thereof to the Informer, yet for better Encouragement of such, and better Discovery of those that break and contemn the Law: It is thought fit to Enact, and be it by these presents Enacted, That the half of all Fines incurred by any Person offending against any Penal Law, be conferred on the Informer and Discoverer of any such offences.

*The half of all Fines whatsoever, shall be paid to the Informer.*

X.

*An Act concerning Foreign Debts.*

**VV**Hereas it was omitted to be inserted in the Printed Laws of this Countrey, that Moneys due in *England* for any Consideration not imported into this Countrey should not be Pleadable here; It is therefore Enacted and Declared, That the said Act was never repealed, but that it hath always been and still doth continue in force, and that according to the tenor thereof, no Debt whatsoever is Pleadable against any Inhabitant of this Countrey, but for Goods imported into this Countrey.

*No Debts Pleadable in Virginia, but for Goods imported thither.*

XI.

*An Act permitting persons under Execution to redeem their Bodies with their Estates.*

**S**ince the Act for payment of Executions in kind exposed most Men in the Countrey to ruin, by the Malice of their two rигed Creditors, who by that Act might, taking the advantage often times, when Tobacco

*The Proceedings in case of an Execution for Debt, and what relief may be had therein.*

tobacco or Money, the two things most usually obliged for, were not in possibility to be procured, detain their persons in Prison to the destruction of their Credit, Families and Fortunes: Be it therefore Enacted by the Governour, Council, and Burgesses of this Grand Assembly and the Authority thereof, That the said Act, as too full of rigour, be repealed; and that instead thereof, it be Enacted, That when any person shall be laid under Execution for Debt, he shall first make Oath that he hath not directly or indirectly any specifical Tobacco or Money to answer the Debt, and then shall tender an Estate to the treble value of the Debt; and in case of disability an Inventory of his whole Estate upon Oath to the Creditor, who shall have liberty to make choice of any of the Estate so tendred for satisfaction of his Debt, which being appraised by Four Men Chosen, two by the Creditor, and two by the Debtor, shall be by the Sheriff delivered to the Creditor, and the Debtor be acquitted: But if the whole Estate will not satisfy the Debt, then the person of the Debtor to remain in Prison, and in case of disagreement between the Debtor and the Creditor, either in choice of the Estate or Apprizers, then it shall be lawful for the next Commissioner to appoint Four indifferent persons to choose, appoint and apprise what part of the said Estate shall satisfy the Debt; and in case of their Disagreement, the said next Commissioner shall be and hereby is impowered to determine the controversie.

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XII.

*An Act concerning a Stint, repealed by the 3d. Act. Anno. 1664.*

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XIII.

*An Act respiting the time for Planting Mulberry-Trees, which is according to Act. until the last of December Anno 1666.*

XIV. An

XIV.

*An Act for keeping Holy the 13th. of September.*

**W**Hereas it is Evident that certain Mutinous Villains had entered into such a desperate Conspiracy as had brought an inevitable ruin upon the Countrey, had not God in his infinite Mercy prevented it; This Grand Assembly to testify their thanks to Almighty God for so miraculous a Preservation: Have Enacted, That the Thirteenth of *September*, the day when this villainous Plot should have been put into Execution, be annually kept Holy, to keep the same in a perpetual Commemoration.

*The Thirteenth of September, to be kept Holy.*

At a Grand Assembly held at *JAMES CITY* September 20th, 1664.

I.

*An Act for the priority of Payment to the Countrey-Creditors.*

**W**Hereas many Persons coming into this Countrey possessed of visible Estates, do by that means obtain Credit here, and contract several Engagements; notwithstanding which Engagements past for valuable Considerations, it often happens that the whole Estate is by pretended Accounts out of *England*, and Foreign parts taken away, and the Countrey Creditors deprived by that means of their just Dues; which this present Grand Assembly taking into their serious consideration, Have therefore Enacted, That in such Cases, all Courts shall give a priority in Judgments for Debts contracted in the Countrey, if the Claim be made within Twelve Months, before which time no Forreign Debt shall be Pleadable, unless there be Effects remaining after the Countrey Debts are paid: But

*Debts contracted in Virginia shall be first satisfied.*



this Assembly intending hereby but only the prevention of frauds, not the prejudice of any just Creditor that hath *bonâ fide* adventured his Goods into this Countrey, hath therefore further Enacted, That if any Factor coming out of *England* or any other of his Majesties Plantations, shall within two Months after his Arrival, make Entry in any Court of Record, of the name of the Person adventuring by him, and the value of the Goods adventured, every such Adventurer shall, if the Factor die, have equal Pleading with the Inhabitants of this Countrey. But in case no such Entry be made, all Goods imported shall be taken to be the proper Estate of the Possessor: And to the end all Merchants and other Persons concerned, may have notice hereof: It is further Enacted, That this Act shall not be in force, until the first of *March*, 1665.

## II.

*An Act for Frontiers to be seated with Four able Hands.*

**W**Hereas Experience hath evidenced, that the weakness of the Frontier Plantations hath animated the *Indians* to commit several horrid Murders; This Grand Assembly endeavouring as much as may be the prevention thereof for the future, have Enacted, and by these presents do Enact, That no person shall hereafter seat above the Plantations already seated, but with Four able Hands well Armed at his first seating down. Provided; That such Persons that have already patented Land in any remote Parts, may have Seven years granted them, to seat and strengthen each particular Plantation with the aforesaid number of Four Men, or else desert their Land.

Plantations on the Frontiers to be strengthened with Four able Men well armed.

## III. An

## III.

*An Act for Liberty to Plant.*

**V** Hereas many Endeavours have been used, to induce the Province of *Mary-Land*, to comply with this Government in the Endeavours of lessening the Quantity, and advancing the Value of Tobacco, which could it have been effected, had undoubtedly much augmented the Happiness and Prosperity of both Countries; but since the Government of *Mary-Land*, have after so many Treaties and frustrated Expectations, still continued their aversness; This Grand Assembly not thinking fit to lay a restriction upon this Government while they have so great a liberty; have therefore repealed and annulled, and do by these Presents repeal and annul all Acts or Proclamations whatsoever, any way restraining the Inhabitants of this Countrey from making their utmost benefit of their Labour the ensuing year.

*Acts restraining,  
Planting,  
Repealed.*

## IV.

*An Act for the proportioning all Actions to the Forenoon and Afternoon.*

**W** Hereas the dispatch of business, to the General Courts, is very much retarded by the liberty granted to all persons Arrested to the said Courts, to appear at any time within the day assigned in the Writ by the Plaintiff, by which means most Causes are referred to the Afternoon; and that time being insufficient to hear and determine the said Causes, the Court is thereby necessitated to put Business out of Course, by referring them to the next Morning: For prevention of which Inconveniences, this Grand Assembly have thought fit to Enact, and it is by the Authority thereof Enacted, That all Writs that shall for the future issue out of the Secretaries Office returnable to the General Court, shall be divided according to the respective days into Ten for the Forenoon, and Ten for the Afternoon; and if the Plaintiff shall at that time fail in appearing to prosecute, a Non-suit shall be granted against him, and Judgment against the Defendant, or Bail, or Sheriff, in case the Defendant fail of his Attendance to Answer.

*The time  
for Issuing out  
of Writs, re-  
gulated.*

V. *An*

## V.

*An Act concerning the regulating the Secretaries-Office.*

*The Records  
to be carefully  
Stated.*

*No person  
may be per-  
mitted to view  
them with-  
out publick  
Order, except  
only the Clerks  
of the Office,  
or whom else  
the Secretary  
shall appoint.*

*The Clerks  
Fee for search-  
ing the Re-  
cords.*

**W**Hereas it is evident, that in all Countreys the well and ill keeping of the Records, is of the highest Consequence, as being the only means to preserve the Rights and Properties of all the Inhabitants of the same; and since it appears that there hath been a great Neglect in keeping the Records in this Countrey: For remedy whereof for the future, the Grand Assembly at the instance of the present Secretary *Thomas Ludwel Esq;* have thought fit to Enact, and be it by the Authority thereof Enacted, That Captain *Robert Ellison*, Mr. *Walter Chiles*, and the Clerk of the Assembly, be appointed by the House to examine and state the Records as they now are; and that for the future, as soon as there is a place convenient to receive them, no Person may have a view of them, unless upon publick Order, but the Clerks of the Office, or whom else the Secretary shall appoint; it being impossible to keep the Records certain, when they are prostituted to the view of every one that will look into them, who may as their interest leads, rend out what may make against them: Provided, That any Person, having occasion, may be with the Clerk when he makes the Search, for which Search there shall be paid to the Clerk for his Fee, One Shilling, or Ten pounds of Tobacco, besides paying for the Copy of the thing searched for: And it is further Enacted, That but half that Fee shall be paid to the Clerk for searching the County Court Records.

## VI.

*An Act for conveneing of the People, upon the Summons of the Burgeses, to adjourn Assemblies.*

**VV**Hereas the principal end of the Convention of Assemblies, is the making Provisions for the peop'es Safety and redress of the Grievances, which being usually made known to the Burgeses of the respective



respective Counties at the place and time of their Elections, which upon Adjournment of Assemblies is not done, by reason the Sheriff does not make publication of their Summons: It is Enacted, That for Convention of the Burgeses at this or future Assemblies adjourned, timely notice may be given to the people by publication in the Parish Churches of the day appointed by the Sheriff of their meeting at their usual places of Election, to present their Grievances to the Burgeses.

Notice to be given to the people by Proclamation, when the Assemblies are to be adjourned.

VII.

*An Act concerning VVidows Thirds.*

**W**Hereas some doubts have arisen about the proportioning and assigning the Thirds of the Estates of persons Intestate to their Widdow: It is for Explanation thereof, Enacted by the Grand Assembly and the Authority thereof, That the Estates of all Persons Intestate where the Will is doubtful whether personal or real, viz. Land cleared or Wood Land and Housing, may be according to the quantity or quality of the said Land and Housing divided equally into Thirds, and the Widow to have her Thirds and choice after the Division.

All Estates of persons Intestate to be divided into Thirds, and the Widow to have her Thirds and choice after Division.

VIII.

*An Act Repealing the Act concerning Rumme.*

**W**Hereas there was by a former Act of Assembly made at James City, March 20th 1661, an Imposition laid upon Rumme and Paveal Sugars; the House upon Consideration of the difficulties of collecting the said Impost, and the defining Paveal Sugars, and principally the Obstructions it may bring to the Trade of the Countrey, have thought fit to Enact, That the said Act be totally repealed.

The Act concerning Rumme and Paveal Sugars Repealed.

IX.

## IX.

*An Act concerning Arrests in Court times.*

*No Arrests  
shall be served  
at James City  
during the Ge-  
neral Assem-  
bly, nor five  
days before  
and after; ex-  
cept upon per-  
sons dwelling  
in James City  
County.*

**VV** Hereas divers persons repairing to *James City* in the time of Quarter Courts and Assemblies, some about service of the Publick, some to give Evidences, others to their other occasions, which by the malice of some persons taking them at an advantage, are arrested to a present Answer; for fear whereof, divers persons do absent themselves, to the great prejudice of the Publick Affairs, and the Obstruction of Justice: It is therefore Ordered, That no Arrests Five days before the General Courts or Assemblies, or Five days after the General Courts or Assemblies be served upon any person at *James City*, except he be an Inhabitant of *James City-County*.

At a Grand Assembly held at *James City*  
October the 20th Anno 1665.

## I.

*An Act Impowering a Justice of the Peace to grant Attachments.*

*In what  
case one Justice  
of Peace may  
grant At-  
tachments.*

**W** Hereas it hath been scrupled whether a particular Justice of the Peace might in any case issue an Attachment; this Assembly have thought fit to declare, That in case of suspicion of any persons intentions to remove out of the County where he dwells, either to conceal himself in the Countrey, or with-draw himself out of the Countrey, whereby the ordinary proceedings at Law cannot be had against him: It is and may be lawful for any Justice of the Peace to issue out an Attachment against so much of the Estate of the person so suspected to remove, as by the Claim made shall in his judgment appear due to the Creditor; relievable by security given or appearance at the next

next Court : Provided , That the said Justice take sufficient Security of him that desires the Attachment to pay the Damages the Court shall award to the Defendant, in case the Plaintiff be cast in the Suit.

II.

*An Act for Repealing of the Act for defraying the Incouragement for killing VVoolves by a Tax upon Horses.*

**VV** Hereas the Act for Levying the Incouragement of killing of *Woolves* upon Horses, by reason of the great inequality thereof, imposes too great a burthen upon those Frontier Counties which have most *Woolves* killed and fewest Horses to bear the Charge : It is therefore Enacted by this present Grand Assembly and the Authority thereof, That that Act shall be, and hereby is repealed, and the former Law for paying the Incouragement *per Poll* be revived and continued.

*The Act for Levying Money on Horses for encourag- ing the killing of Woolves repealed.*

III.

*An Act prohibiting the Sale of Arms to the Indians.*

**VV** Hereas there was formerly a Law in force prohibiting the Sale of Arms, Ammunition, or Guns, to the *Indians*, which upon consideration of the said *Indians* being furnished by the *Dutch*, was omitted : It being then thought impolitick to debar our selves from so great an advantage as might accrue to us by the *Indians* Trade, when we could not prevent the supply ; yet since those envious Neighbours are now by his Majesties Justice and Prudence removed from us, and the Trade now likely to be in our hands, and none to furnish them besides our own Nation, which in these times of eminent Danger hath scarce ability to furnish our own wants : It is therefore Enacted by this Grand Assembly and the Authority



*Any person  
selling Ammu-  
nition to In-  
dians, for the  
first Offence  
shall be fined  
10000 l. of  
Tobacco, and  
for the second  
be prosecuted  
as a Felon.*

thority thereof, That the Sale of Arms, Guns, Powder and Shot, be wholly prohibited; and that whosoever, contrary to the intent of this Act, shall by himself or any other, sell or barter Powder, Shot, Guns, or Ammunition to any *Indian*; shall be fined Ten thousand Pounds of Tobacco, or suffer Two years Imprisonment without Bail or Mainprize for the first Offence, and for the second to be proceeded against as Felons.

## IV.

*An Additional Act for better restraining the  
Exportation of Hides Repealed by 12 Act  
Anno 1680. Vide.*

## V.

*An Act concerning the intent of some former  
Penalties.*

## III.

**W**HEREAS certain doubts have arisen in giving Judgment upon a Penal Law, as Stealing of Hogs, taking away of Boats, and the like, where several persons may be Actors in committing the same Offences, *viz.* whether the Penalties imposed are to be levied upon all the Actors in general, and the payment of the Penalty specified in the Act by any one should acquit the rest, or else Judgment pass for the entire Sum against every particular and individual Offender: Be it Enacted for the better deterring people from committing such Offences, That in all such Cases every particular Offender may be singly prosecuted and have Judgment passed against him for the whole Fine; And because the Laws have been silent in prescribing any way to punish Servants guilty of the Breaches of such Acts where Freemen are to pay a Fine, of which they are during their Service wholly incapable, and might be encouraged to attempt it, should their punishment

*Where several are Actors in the same Crime, every one to be fined.*

ment be respited, until their time of Service is expired: Be it therefore Enacted, That in all Cases where a Free-man is Punishable by Fine, a Servant shall receive Corporal Punishment *viz.* For every Five hundred pounds of Tobacco, Twenty Lashes; and so many such several Punishments as are Five hundred Pounds of Tobacco included in the Fine, unless their Master or other Acquaintance will Redeem them by making Payment: And it is further Enacted, That if any Person shall by procurement of the Servant upon promise and agreement for future Service, pay the Fine and Release him from Punishment, such Agreement made, shall notwithstanding the Coverture, bind such Servant to performance after his time by Indenture is Expired: And further that the Master have like Remedy against the Servant, in Case of his Trespassing against him.

*Servants that are Offenders, not being capable of paying a Fine, are to receive Corporal Punishment.*

## VI.

*An Act concerning Bounding of Counties and Parishes.*

**W**Hereas there is a Law that binds us to the Bounding of our Lands: Be it Enacted by this present Grand Assembly and the Authority thereof, That the same Law be in force to the Bounding of our *Counties and Parishes to be Bounded.*

## VII.

*An Act repealing the Act of 10s. per Hogshead.*

**W**Hereas the imposition of Ten Shillings *per* Hogshead on Vessels trading from *New-England* and the adjacent Plantations, hath probably hindred their trading in this

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*The Act for  
Payment of  
10s. per Hogs-  
head repealed.*

this Countrey, and drawn much trading to *Mary-Land*, which the Burgesses taking into their serious Consideration, and requesting the Right Honourable Sir *William Berkley* Knight and Governour, who most heartily and willingly granted the taking off the said imposition of 10s. per Hogshead: Be it therefore Enacted by this present Grand Assembly, That all Vessels trading here out of *New-England*, or any other the adjacent Plantations in *America*, shall from henceforth be free from the imposition of 10s. per Hogshead, and pay no other Dues, Duties or Customs, then any other Ships or Vessels trading here out of *England*, or any other his Majesties Dominions.

## VIII.

*An Act concerning the Indians.*

*The Act  
concerning  
Murders com-  
mitted by In-  
dians made  
General.*

Whereas at a Grand Assembly held at *James City* September the 10th 1663, it was provided, That where any Murder was committed by the *Indians* upon the *English*, the next Town of *Indians* was to use their uttermost Endeavour for the bringing in and discovering the Actors and Doers thereof, and in regard the said Act was only limited upon the *Northern-Indians*: This Grand Assembly have thought fit to Enact, and be it Enacted, That the said Law be made a General Law against all *Indians* whatsoever; and where any Murders shall be committed upon the *English*, the next Town is to use all their care and diligence in finding the Doers and Actors of the said Murders: And be it further Enacted, That if any *English-man* be murdered, the next Town shall be answerable for it, with their Lives and Liberties to the use of the publick; and that the Honourable Governour be humbly requested forthwith to impower such persons as his Honour shall think fit in each County on such occasions for putting the said Law into immediate execution. And that it be made known to all *Indians* whatsoever by those persons so commissioned,



missioned, within Two Months after the said Law is in force: And be it further Enacted by this Grand Assembly, That the said *Indians* shall not have power within themselves, to elect or constitute their own Weromance or Chief Commander; but the present Honourable Governour and his Successors, from time to time shall constitute and authorize such Persons, in whose Fidelity they may find greatest cause to repose a confidence to be Commander of the respective Towns; and in case the *Indians* shall refuse their Obedience to, or Murder such person, then that Nation of *Indians* so refusing or offending, to be accounted Enemies and Rebels, and be proceeded against accordingly: And whereas the careless manner of the *English* in going un-armed to Churches, Courts, and other Publick Meetings, may probably in time, incite the *Indians* to make some desperate attempt upon them: It is further Enacted, That the Honourable Governour be requested to issue his Commands to the Officers of the *Militia*, to take care to prevent the same: And it is further Enacted, That any person or persons, that shall harbour, entertain or imploy any *Indian*, shall be fined Five thousand pounds of Tobacco, or suffer one years Imprisonment without Bail or Mainprize, unless such as shall give sufficient Security to the County Court, and upon such security obtain a Certificate from the said Court, and upon that Certificate a Licence from the Governour: And whereas by the former Articles of Agreement, it was provided that no *Indians* which were seated on the South-side of *James River*, should come over the Black-Water, or the Southern Branches thereof: It is hereby Enacted, That the said Southern Branches of Black-Water, be from the head of those Branches to the present *Appomattock Indian Town*, and thence cross the River by a continued Line to the present *Monakin Town*, be the bounds of the *Indians* on the South-side of *James River*.

The Weromance or chief Commander of the *Indians*, shall be chosen by the Governour of Virginia.

No person shall harbour or imploy any *Indian*, without having first given Security, and obtained Licence of the Governour.

## IX.

*An Act concerning the Building of a Fort.*

*A Fort ordered to be Built.*

*The Governour to direct where.*

*Provisions for Building the same.*

**I**N Obedience to his Majesties Royal Commands, and for the better defence of the Countrey, this Assembly have thought fit to Enact, and be it Enacted, That a Fort be Built with all convenient Expedition, where the Right Honourable the Governour shall think most convenient; and that Fourscore thousand Pounds of Tobacco be levied to that purpose, besides the sale of the King of *Potomacks-Land*: Be it further Enacted, That his Honour give power to press Carpenters, Labourers and other Work-men; and that the Carpenters finding themselves Diet and Lodging, be allowed Forty five Pounds of Tobacco *per* day: And for the better expediting and finishing the said Fort, It is hereby Enacted, That it shall be lawful for the Surveyor of the Work-men, to cause Pines to be fallen in any mans Land for that use, paying to the Proprietor of the Land Six pence for each Tree: And it is further Enacted, That each person of the Trained-Bands in *James City* and *Surrey* Counties, contribute Six days Work towards the perfecting the said Fort, and to bring their own Provisions with them: And be it further Enacted, That Capt. *William Bassett* be Authorized Surveyor of the whole Work, and have Command of the Work-men therein employed, the County gratifying him the said Capt. *Bassett* with Ten thousand pounds of Tobacco; And the Assembly taking into Consideration what persons be fit to keep the Fort, and be Captain of the same. Have Enacted, and it is hereby Enacted, That the said Soldiers that attend the Governour at General Courts, be ordered to keep the Fort; those Courts excepted where a single Centinel will be sufficient, and that the Capt. of the Guard have the Command of the Fort, and receive a fitting Annual Satisfaction for the same; and that the Souldiers likewise may have a competent Addition to the former pay: And it is further Enacted, That no Tobaccos for these occasions be levied this year.

X. *An*

## X.

*An Act Preparatory to a Stint or Cessation.*  
Vide *Act* 1. October 23d 1665.

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At a Grand Assembly held at *JAMES*  
*CITY*, June 5<sup>th</sup> 1666.

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## I.

*An Act for a Cessation.* Vide *Act* 1.  
Octob. 23. Anno 1666.

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## II.

*An Act concerning Tenders of Tobacco.*

**W**Hereas it hath been and still is the constant Endeavours of this Assembly to give all possible Encouragement to Merchants and Traders into this Collony, and hath hitherto left the receiving or refusing their Debts to their own discretions, without other restrictions to them or liberty to the Planter then this, That if by the last of *January* the Creditor did not demand his Tobacco, it might then be lawful for the Debtor to dispose of it; leaving the Debtor still liable to be sued that year for Security for his Debt. Upon which divers  
N n persons



Creditors  
to demand and  
receive their  
Tobacco by  
the last of Ja-  
nuary.

Difference  
between Deb-  
tor and Cre-  
ditor whether  
the Tobacco  
tendered be  
merchantable  
or not, to be  
decided by an  
Umpire.

persons for their private advantages did omit the demand-  
ing of the Tobacco in time, and thereby rendring the  
Planter ~~uncapable~~ of disposing of his Tobacco or clearing  
himself from the Engagements. For redress of which in-  
conveniences, Be it Enacted by the Governour, Council,  
and Burgeesses of this Grand Assembly and the Authority  
thereof, That if the Creditor refuse or omit to demand and  
receive his Tobacco by the last of *January*, that then it  
shall be lawful for the Debtor at any time between that  
and the Twentieth of *February*, to address himself to the  
two next convenient Justices of the Peace, who are hereby  
required and impowered to appoint three honest and able  
Men of the Neighbourhood on their Oaths, to view the To-  
bacco: And if they find it legally Merchantable, whether  
Old or New, then to weigh and mark it for the use of the  
Creditor, on whose account the Tobacco so viewed and ap-  
proved as aforesaid shall after lie; the Debtor still endea-  
vouring to secure it as before the Tender: and the Debtor  
upon producing the Certificate of the said Tender from the  
said Justices to the next Court, that Court shall by their Or-  
der discharge the Debtor from his Debt, provided the  
Tender be made in place according to Specialty. And it is  
further Enacted by the Authority aforesaid, That in Case  
of Difference between the Debtor and Creditor, or his At-  
torney, if either of them be present, whether the Tobacco  
tendered be merchantable or not, then, two Commissi-  
oners as aforesaid, are hereby impowered to appoint a third  
person as an Indifferent Umpire to determine the difference  
between them.

### III.

#### *An Act for Altering the Day of the Ge- neral Court.*

**W**Hereas the Right Honourable the Governour and  
Council, for divers Reasons them thereunto mo-  
ving, have desired that the General Court begin-  
ning by the present Act the Twentieth day of *March*, may  
hence

hence forth be held the 15<sup>th</sup> day of *April*: It is Enacted by this present Grand Assembly and the Authority thereof, That the said Court be not hereafter held upon the 20<sup>th</sup> day of *March*, but upon the 15<sup>th</sup> day of *April*, as by this Act is Provided and Confirmed.

*The General Court to be held on the Fifteenth of April.*

IV.

*An Act for repeal of the Act preparatory to a Stint.*

**VV** Hereas the Act preparatory for a Stint or Cessation, imposed a Rate upon Wheat of Three Shillings or Thirty Pounds of Tobacco *per* Bushel: The Governour, Council, and Burgesses of this Assembly considering the Low Prizes Tobacco hath been purchased at, and lest the Creditor should draw the price there set in to president, have thought fit to Enact, and do Enact by the Authority thereof, That the said Act be to all intents and purposes repealed and made void and null.

At

At a Grand Assembly held at *JAMES CITY* October 23d Anno 1680.

## I.

*An Act for a Cessation.*

*The Act for Cessation of Planting Tobacco from the First of February 1666, to the First of February 1667, declared to remain in force.*

**W**Hereas at an Assembly held at *James City* the Fifth of *June* 1666, it was Enacted, That a Cessation from Sowing, Setting, Planting, or Tending *Tobacco*, from the First of *February* 1666, until the First of *February* 1667, should be established in this Countrey of *Virginia*, in case the Province of *Carolina* should give their assent to the same, as the Province of *Mary-Land* by their Act of Assembly had engaged to do: Both their said Acts of Assembly of *Mary-Land* and this Countrey empowering certain Commissioners to treat and conclude of the best means of security for putting the said Acts into effectual execution: By vertue whereof the Commissioners in the said Act nominated and appointed, did upon the Tenth day of *July* following meet at *James-City*, and then and there concluded and agreed upon certain means and ways for putting the said Acts into effectual practice, and for the prevention of all frauds and deceits that might be practised therein, as by the Articles there made more fully doth appear. At which Meeting the Commissioners of that Province of *Carolina* did also oblige themselves that the Province of *Carolina* should by an Act of their Assembly confirm the Agreements aforesaid, and transmit the said Act to the honourable Governments of *Virginia* and *Mary-Land* by the last of *September* next ensuing. But whereas by reason of the said Provinces then Engagement in repelling the Assaults of the adjacent *Indians*, that their Acts, though fully at their Assembly

cor.



confirmed, could not be sent to *Virginia* and *Mary Land* by the time in the Articles agreed upon. For which cause the Governour and Council of *Mary Land*, though they still acknowledge the Act it self for a total Cessation from Planting as aforesaid to remain in its full force, and in pursuance of the Establishment thereof, have caused a Proclamatiou to issue, requiring and commanding all persons in the said Province to yield conformity and due obedience thereto: of which to testifie their full intents of executing the said Act, transmitted a Copy to the Right honourable the Governour of *Virginia*, yet in his Letter declaring, That by reason of the said Act of *Carolina's* not coming to them by the time in the Treaty prefixed, They conceived that all the Articles in the said Treaty containing the means to have the Act assuredly and without fraud put into practice became void: And for that cause another Treaty must of necessity be required, which Reasons the Governour, Council, and Burgesses of this Grand Assembly taking into their serious Consideration, have Enacted and Declared, and by these Presents do Enact and Declare; That the aforesaid Act of the Fifth of *June*, prohibiting the Sowing, Setting, Planting or Tending Tobacco from the First of *February* 1666, until the First of *February* 1667, is and remains in full force, and is hereby Ratified and Confirmed: And all persons are required to take notice thereof, and yield their due obedience thereunto. For the surer Establishment thereof, the Commissioners in the aforesaid Act nominated and appointed, or so many of them as are there required, are hereby again impowered and desired to renew the former Treaty with the Commissioners of *Mary Land*, and to re-establish the Articles in the former Treaty agreed upon and concluded; the Grand Assembly hereby obliging themselves, That the Publick Faith given by the said Commissioners for observance of the said Articles under their Hands and Seals, and the like reciprocally taken from the Commissioners of *Mary Land*, shall bind this Countrey and every Inhabitant thereof, to a full performance in the said Act. And that no scruple may remain, are fully agreed, That Two Instruments of one Tenor, made one to the Governour of *Virginia*, the other to the Lieutenant General of *Mary Land* from the Governour of *Carolina*, That the Inhabitants of that Province will truly observe the Articles agreed upon between

Mary-Land  
to concur in  
the Cessation.

tween the Governours of *Virginia* and *Mary Land*, shall be accepted and reputed a sufficient Engagement for the Conformity of that Province in the observance of that Act; And if there should appear to the Commissioners any emergent occasion for any thing or things in the aforesaid Treaty Concluded and Agreed upon to be added or altered, they are by this Act impowered to proceed therein as they in their discretions shall find the necessity of Affairs to require: And the Governours Honour is hereby requested by his Honours Commission and Instructions, to confirm the full Power and Authority unto them; and to the intent that Notice may be given to the Honourable Lieutenant General of *Mary-Land*, of our Intentions to renew the Treaty the Governours Honour hereby requesting to send Message to the Lieutenant General of *Mary-land* to certifye to him that upon the 7th day of *December* next, or as soon after as Wind and Weather will permit, the Commissioners of this Countrey will meet the Commissioners appointed for that Province at *St. Maryes* in *Mary-Land*, to put in Execution the aforesaid act of Assembly; by which means all Obstacles and Doubts will be taken away, and the aforesaid Law receive a plenary and effectual Execution: And it is further Enacted, That the Governours Honour be requested so soon as possible after the Conclusion of the Treaty, to publish and declare by his Honours Proclamation the full intent and tenor thereof to the several Counties of this Collony.

## II.

*An Act shewing how Debts are to be paid  
the Cessation year.*

**W**Hereas it is apparent to all that the Establishment of a Cessation from Planting, will certainly advance the Gains of the Merchant, by giving him time to vend his Commodities: And for that Consideration

consideration it might be justly expected, that he should make some proportionate abatement in his Debts ; Yet this Assembly whose care it hath ever been to preserve the Rights and Properties of every Person free from the least violation, have still continued the same entire, and have only for the supply of peoples Necessities and enabling them to provide for their Subsistence in the *Vacant year* from Planting, have Enacted, and by the Governour, Council and Burgeses of this Grand Assembly and the Authority thereof; Be it Enacted, That for all Debts already Contracted to be paid this present year in Tobacco, except publick Dues ; any Debtor paying one half of the said Debt in kind, shall have liberty for the payment of the other half until the 10th of November 1663, giving reasonable Security, if requested, to pay the remaining half at the time aforesaid : and in case the Creditor will not stay out that time, but prosecute the Debtor for payment to be made sooner, it shall be in the liberty and choice of the Debtor to make Tender of his Estate before the next Justice of Peace, to legal valuation, for Payment of the said Second Moiety : Provided, That if the said Debt be under Two Hogsheads of Tobacco, it shall not be lawful for the Debtor to prejudice the Creditor by breaking a Hoghead of Tobacco, and paying a Parcel thereof.

*Debts due the Cessation-year, to be paid one half down.*

*Time to be allowed for the other half, giving reasonable Security.*

### III.

#### *An Act for Valuation of Commodities for payment of Publick Dues.*

**B**E it also further Enacted by the Authority aforesaid, That all Publick Dues this year, in regard of the Cessation and Cause that expectation of advancing the Value of Tobacco, there be an abatement of



Valuation of  
Commodities  
for payment of  
Publick Dues,  
during the  
Cessation from  
Planting.

of the Sums formerly allowed: And that all Publick and County Debts, Ministers and Parish Dues, Officers Fees, Fines, Quit Rents, and all other Rates and Debts generally that shall be contracted and become due in the vacant year from Planting, may be paid in the Countrey Commodities at the Rates here following: *Viz.* Wheat, Garravances, and English Pease *per* Bushell Forty pounds of Tobacco, or Four Shillings, Indian Corn shell'd Two Shillings or Twenty pounds of Tobacco, Barley *per* Bushell Thirty five pounds of Tobacco or Three Shillings six pence. Wound Silk *per* pound Two hundred pounds of Tobacco or Twenty Shillings, Indian Pease of all sorts except Garravances *per* Bushell Thirty five pounds of Tobacco or Three Shillings six pence, Oates *per* Bushell Thirty pounds of Tobacco or Three Shillings: Provided, That for prevention of Inconveniencies that the Receiver is subject to, if he have not Cask to carry his Grain, it is further Enacted, That the Debtor shall provide and pay the Grain in Cask, and the Creditor to allow him Ten *per Cent.* as in case of Tobacco. No rate is set upon Flax, by reason of the uncertainty of the Quantity; nor Beef nor Pork, because perishable; but both these left to valuation according to Condition and Goodness.

## IV.

*An Act for Rating of Ordinary Keepers.*  
Vide *Act* 3. Anno 1671, and *Act*  
10. Anno 1676.

V. An

## V.

*An Act ascertaining Surveyors Fees.*

**VV** Hereas the Act concerning the Fees of Surveyors, by reason of the low rates set therein, which seems to have been first made above Twenty years since, when *Tobacco* bore a greater value then can now be expected, deters any Man of Parts, Abilities, or Integrity, from exercising the said Functions, in the faithful and well discharge whereof, the peace and possession of the Inhabitants of this Countrey are so much concerned, and yet for want of a Penalty therein expressed, leaves a Liberty to every one to extort from the People what Sums they please: Be it therefore Enacted by this present Grand Assembly and the Authority thereof, That for encouragment of able Men in that Science to practice the same, that the Fees limited in that Act be doubled; *viz.* Forty pounds of Tobacco for measuring every Hundred Acres of Land, if the whole Divident exceed not, or amount to One thousand Acres; but if under that Quantity, then Four hundred pounds of Tobacco; and for the same shall deliver an exact Plat of the Land Surveyed: And if any Surveyor upon reasonable Demand, not being by Sicknefs or any other lawful Impediment hindred, shall refuse to measure the Land of any Person whatsoever, for the Consideration and Satisfaction aforesaid; every such Surveyor shall be fined and pay for such his Refusal, Four thousand pounds of Tobacco; and for exceeding the Fee, Two hundred pounds of Tobacco for every Hundred Acres, half to the Party injured, and the other half to the Informer, to be recovered by Action of Debt in any Court of Judicature in *Virginia*: But if the Surveyor go further from home, then he can return in a day, then such Satisfaction to be allowed him as by the former Act is allowed.

*Fees formerly allowed to Surveyors doubled.*

*Surveyors refusing to measure Land at the Rates herein appointed, to be fined.*

## VI.

*An Act repealing the Act of Encouragement for Killing of Woolves.*

**VV** Hereas in some Frontier Counties the number of Woolves killed and brought in by *Indians*, though from never so remote places, hath very much encreased the Taxes of the said Counties when no benefit hath accrued; the Heads of the said Woolves being purchased by some Inhabitants there, for Lucre of Encouragement given by Act, to the insupportable burthen of the people: Be it Enacted by this present Grand Assembly and the Authority thereof, That the allowance for Woolves killed by *Indians*, and the injury of the persons and places by whom and when they are killed, be wholly left to the County Courts by their By-Laws to take care and provide for, as shall be found most requisite for the convenience and occasions of each County: Notwithstanding the Governour and Council have assented to this, at the desire of the Burgesses, are of Opinion that this Act will be by the chief desire thereof quickly repealed.

County  
Courts shall  
make By-  
Laws for re-  
warding the  
Killing of  
Woolves.

VII. An



## VII.

*An Act concerning the Salt-V.Vork at Accomack.*

**VV** Hereas the County of *Northampton* hath shewed, That by a former Act of Assembly, the importation of Salt into that County was prohibited for the greater Encouragment of Coll. *Edmund Scarburgh*, who had erected a Salt-work at *Accomack*, but he not furnishing the wants of the People in that County of *Northampton* according to expectation, and the Law restraining their Relief from other places: Be it therefore Enacted by this present Grand Assembly and the Authority thereof, That the said Act, for so much as relates to that County of *Northampton*, be henceforth repealed, and Liberty and Licence granted and given to any person to import and sell Salt there as freely as before that Act of restraint he might have done; Collonel *Scarburgh* himself having given his full assent to this Repeal.

Salt permitted to be again imported and sold in *Northampton* County.

## VIII.

*An Act concerning Indians, repealed by the 5th Act Anno 1671.*IX. *An*

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Salt permitted to be again imported and sold in Northampton County.

VIII.

*An Act concerning Indians, repealed by the 5th Act Anno 1671.*

IX. An



## IX.

*An Act for Supply of Ammunition.*

Each County impowered to make By-Laws for the provision of necessary Ammunition at the County Charge.

**VV** Hereas there is a general Complaint of the want of Ammunition for defence of the Countrey in these times of eminent Danger: It is Enacted by this Grand Assembly and the Authority thereof, That each County shall by their By-Laws be impowered to make such Provision thereof at a County Charge, as their several Occasions shall be found necessary to require.

## X.

*An Act for Setting up Looms in each County.*

**W** Hereas the present obstruction of Trade and the nakedness of the Countrey, do sufficiently Evidence the necessity of providing a supply of our Wants, by improving all means of raising and promoting Manufactures among our selves, and the Governours Honour having by apparent Demonstrations manifested, that our Poverty and Necessity proceed more from want of Industry then defect of Ability, since that Five Women, or Children of Twelve or Thirteen years

years of age, may with much ease provide sufficient Cloathing for Thirty persons if they would betake themselves to Spinning, which cannot be Objected against; if Weavers and Looms were once provided: For the better Effecting whereof, Be it Enacted by the Authority of this Grand Assembly, That within two years at furthest after the date of this Act, the Commissioners of each County-Court shall provide and set up a Loom and a Weaver in each of the respective Counties of this Country at the charge of the County; And that no private person setting up a Loom at his own Charge, shall excuse the County from setting up a publick one; but that every Court neglecting to perform the Tenor of this Act, shall be fined Two thousand pounds of Tobacco to the use of the Publick and Informer: Provided that the executing thereof in the Counties of *Rappahanock, Stafford, Westmorland and Northumberland*, who by the newness of their Grounds pretend themselves incapable of making Provision for the soon Employment of a Weaver, be respited for Four years after the date hereof.

*A Loom to be set up and a Weaver provided for each County within Two years.*

XI.

*An Act Imposing a Fine for entertaining Run-aways.*

**W**Hereas divers ill disposed Persons not valuing the Fine imposed by Act, which by the inconsiderableness thereof, they think not worth the Pains or Charge of recovery, do harbour and give Entertainment to Loitering Run-away Servants for two or three days, or more; thereby encouraging the said Servants

( P P )

*Such as en-  
tertain Run-  
aways fined.*

vants in such lewd courses : For prevention whereof, Be it Enacted by the Authority of this present Grand Assembly, That what person-soever, contrary to the Act in force, shall harbour or entertain any such Run-away Servant, shall be fined and pay Sixty pounds of Tobacco for each day and night he shall so harbour them, to be recovered by the Master or Owner of the said Servant, by Action of Debt in any Court of Judicature in this Country. This Act extending only to those Servants that serve by their first Indenture.

## XII.

*An Act concerning Servants coming in  
without Indentures.*

*The time  
Servants  
coming in  
without In-  
dentures shall  
serve.*

**VV** Hereas the present Act in force prescribing how long Servants coming in without Indentures shall serve, enjoyns all Servants adjudged by the Courts to be Sixteen years of Age, to serve but Five years, and all under to serve until they be Twenty four years old ; by which inequality a Servant if adjudged never so little under Sixteen years, pays for that small time Three years Service ; and if he be adjudged more, then the Master loses the like : Be it therefore Enacted, That the said Act be from henceforth altered and amended ; viz. That all Servants coming in without Indentures after the Expiration of this Session of Assembly, shall serve according to their Age, viz. If adjudged Nineteen years or above, then to serve Five years ; if under that Age, then to serve so many years as he wants of Twenty four, when his Age is adjudged by the Court : And that every Master intending to Claim the benefit of this Act,

is

## *the* LAWS *of* VIRGINIA. (147)

is hereby required within Two Courts at furthest, after he hath bought or imported a Servant as aforesaid, to carry him to the Court, who by a present Inspection at that time will be best enabled to pass Judgment upon the Matter.

### XIII.

#### *An Act for Criminals to bear their own Charges.*

**W**Hereas the Charge of prosecuting Criminal Persons hath been hitherto usually defrayed, part by the Publick, but most by those Counties where the Offenders dwelt or the Fact was committed, for avoidance of which Charge it is probable that many Lewd Livers by a too favourable Censure escape their deserved Punishments: Be it therefore Enacted by the Grand Assembly and the Authority thereof, That where the person committed hath Estate sufficient to defray the Charge of his Prosecution, the Publick or County shall not be charged, but the whole paid out of the Delinquents Estate, and the Publick and County only then liable to satisfy where no Estate or not sufficient can be found and discovered.

Criminals  
(having E-  
states) shall  
defray the  
Charge of  
their own pro-  
secution.

Otherwise  
to be prosecu-  
ted at the  
Charge of  
the County.

### XIV.

#### *A Dispensation for Lower Norfolk to ship their Tobacco, a private Act.*

### XV. *An*



## XV.

*An Act repealing the Acts of Encouragement.*

III X.

**W**HEREAS the Prudence and Care of the Publick Good in former Assemblies, thought fit for the Advance and Promotion of Trade, Manufactures, and Staple Commodities in the Countrey, to grant out of the Publick certain Encouragements for Building of Vessels, making of Silk, Cloth, &c. By which means divers people being induced to put the same in practice, have by their success made evident demonstrations how beneficial the same will be; This Assembly in hopes that all People now convinced of the Profits accruing thereby, will of their own accord vigorously prosecute those apparent profitable designs; Have therefore for the ease of the Publick Taxes thought fit to Enact, and by this Grand Assembly and the Authority thereof, it is Enacted, That all Acts of Encouragement of Silk, Building of Vessels, or any other things else, henceforth be generally and totally Repealed and Void, except the Act for release of the Impoit of two Shillings *per* Hogthead to Inhabitants of this Countrey adventuring in Vessels belonging properly and solely to *Virginia-Owners*, according to the 134<sup>th</sup> Act of Assembly. And moreover, That the Act for not planting *Mulberry-Trees*, which every one intending to make Silk, now voluntarily propagate, be also repealed and made void.

*All Acts of Encouragement repealed except the Act releasing the Imposition of 2 s. per Hogthead to the Inhabitants of this Collony.*

A Dispensation for Lower Norfolk  
to keep their Tobacco a private

XVI. An

XX

XVI.

*An Act for Millers to Grind according to Tourne.*

**W**Hereas divers Owners and Keepers of Publick Mills in this Country, do refuse to Grind Corn according to Tourne, for the Reward and Toll already set and appointed by Act; Be it enacted by this Present Grand Assembly, and the authority thereof, that what person soever, Master, Owner or Lessee of any Mill, shall refuse to grind as aforesaid, shall be fined and amerced, One Thousand Pounds of Tobacco for every such offence; And if the Miller so refusing be a servant, he shall be punished at the discretion of the County-Court, where the offence shall be committed, and complained of, unless the said servant can prove that what he did was done by order of the Master; which Fine shall be recovered by any person injured by Action of Debt in the Court of that County where the offence was committed.

XVII.

*An Act Including Sheep in the 77th Act.*

**W**Hereas the seventy seventh Act concerning the Insufficiency of Fences, prohibits any injury to be done to several sorts of Beasts and Cattle, amongst which Sheep are not Included, It is hereby enacted, that from henceforth Sheep shall be comprehended in the said Act, and damages recovered for any injuries done to them, by vertue of the Act aforesaid, as for other Cattle is there provided.

*Sheep Comprehended in the Act concerning insufficiency of Fences.*

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XVIII. An

## XVIII.

*An Act Ascertainin Dammages upon Protest-  
ed Bills of Exchange.*

*Dammages  
upon protested  
Bills of Ex-  
change shall  
not exceed 15.  
per Cent.*

**W**Hereas it appears that many Bills of Exchange drawn upon persons in *England* by people resident in this Country, in confidence that the Goods by them sent, might produce effects sufficient to satisfy them, which expectation being frustated sometimes by the miscarrying of the Ship, sometimes by not sail of the Goods, or pretence thereof by the Parties on whom they were drawn, causes the said Bills to be protested, and by the great dammage of thirty per Cent. given by Act against the Party that charged them is found to tend too much to the detriment and prejudice of the Inhabitants of this Country, It is therefore enacted by this Present Grand Assembly and, the authority thereof, that from henceforth the dammage upon Bills of Exchange protested, shall not exceed fifteen per Cent. and that the former Act giving thirty per Cent. be hereby repealed and made void.

## XIX.

*An Act declaring that no Justice shall take  
Fee.*

**V**Whereas there is an Act intended for the Relief of poor people, that Causes not exceeding the value of twenty shillings *sterl.* or two hundred pounds of *Tobacco*, might be determined by a Justice of the Peace without further suit; and whereas Complaint hath been made that some of the Justices have contrary to the good intent of the said Act exacted Fees from the Parties coming before them for Justice, to a greater value then the thing sued for amounted to; It is enacted by this Grand Assembly, & the Authority thereof, that it shall not be lawful for any Justice of the

the Peace to receive of any person any Fees for any Cause or Matters brought before him or determined by him.

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## XX.

### An Act declaring what is meant by Seating of Land.

**VV** Hereas there is in all Patents a provisional Clause for Planting or Seating the Land therein granted within three years, but never yet by any Law declared what was meant by that Clause, nor what should be accounted sufficient Seating or Planting; This Grand Assembly, for the better explanation thereof, have declared and enacted, and by the authority thereof, do enact and declare, That building a house, and keeping a stock one whole year upon the Land, shall be accounted Seating, and that clearing, Planting and Tending an Acre of ground for one year, shall be accounted Planting, and that either of these shall be adjudged as a sufficient performance of the condition required by the Patent; and that after such Planting or Seating the Land as aforesaid, and continuance of paying the Quit-Rents, no Land shall be adjudged to be deserted.

*Building a house and keeping a stock one whole year upon Land, shall be accounted sufficient seating thereof.*

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## XXI.

### An Act concerning Imperfect Patents.

**VV** Hereas the Honourable Thomas Ludwell Esquire, hath Informed the Assembly, that he finds in the Records, many Patents for great parcels of Land, for which there appears not any Rights upon Record of them extant, upon which the Assembly, taking the Premises into serious consideration, and also the great trouble and prejudice that may ensue to divers honest Inhabitants of this Country, in asserting their Titles, though in truth never so good, yet by these neglects of the Clerk, rendered in strictness of Law, altogether invalid, for Remedy whereof, the Governour



*Former Patents shall remain firm and valid although no Record thereof be extant.*

*All Patents shall for the future be composed with the Record be some they pass the Office.*

vernour, Council and Burgeses of this Present Grand Assembly have enacted, and it is by the authority thereof, Enacted and Ordained, that for preservation of all Present Tytles and prevention of future Trouble, That all Lands held by former Patents, of which there is no Record extant, or to which there are no Rights annexed in the Records until the date of this Present Assembly, shall for ever be held valid and firm, according to the claims of the several Patents, those defects being found to have happened by the neglect of the Clerk in those times in not making present entry of the Rights delivered to them, and the Casualty of of two several Fires whereby many of those Rights, with other Papers were destroyed, the Assembly hereby rendering Thanks to Mr. *Secretary* for his care of preventing future trouble, and requesting him to continue it in not suffering any Patent hereafter to pass the Office, before the Rights are entered, and the Patent compared with the Record.

## XXII.

### An Act commanding Law-Books to be provided for each County.

**W**Hereas for the better Conformity of the Proceedings of the Courts of this Country to the Law<sup>s</sup> of *England*, it appears necessary, that for the better direction therein, all the former Statutes at large, and those made since the beginning of the Reign of his most Sacred Majesty that now is, and some other esteemed Books of Law, be purchased; It is therefore by this Grand Assembly, and the authority thereof, accordingly enacted, that all the aforesaid Statute-Books, and *Daltons* Justice of the Peace, and Office of a Sheriff: and *Swainbournes* Book of Wills and Testaments be sent for by Mr. *Auditor*, and paid for out of the two shillings *per* Hogshead, and the like Books to be sent for by some of the Commissioners of the County Courts for the use of the Respective Counties, and paid for out of the County-Levy.

## XXIII. An

XXIII.

An Act Imposing Fines on Refractory Persons.

**V**Hereas the Officers of the *Militia* have Complained, that divers Refractory Persons have in Contempt of authority empowering them, and to the ruine of all Military Discipline refused to appear upon the days of exercise and other times when required to attend upon publick service ; It is enacted by this Grand Assembly, that every person neglecting to appear, shall for every such Neglect be amerced and fined, one hundred pounds of *Tobacco*, to be disposed of by the *Militia*, for the use of the Regiment ; And that the Commanders return of such Fines to the Sheriffs of the Respective Counties shall be sufficient Warrant, in case of the Parties denial of payment to levy the same by distress. Provided, that if before the laying of the Levy, the Party Amerced do shew to his Commander such cause of his absence as by the Commander, shall be adjudged reasonable then the Party to be excused and the Fine not returned.

*Such as refuse to appear on the days appointed for the exercise of the Militia. fined an hundred pounds of Tobacco.*

XXIV.

An Act for the better explanation of the 16th Act in the Printed Book.

**V**Hereas the sixteenth Act for Sheriffs to take Bail was misinterpreted, and some words left out ; It is Enacted, that for prevention of Mistakes in Courts of Judicature, a Copy be transcribed out of the Original for Correction of mistakes of the Printed Book which followeth ; Be it also hereby enacted, That all Sheriffs shall take sufficient Bail of all persons Arrested, with this condition, to bring forth the Party Arrested or perform the award of the Court, and if they shall neglect to take sufficient Bail of the Party arrested, or otherwise consent to be the cause of his escape, then the said Sheriff shall be lyable to pay the award of the Court himself ; and shall also pay in case the Consent to the escape be proved, one thousand pounds of *Tobacco*, one half

*Sheriffs neglecting to take Bail or con*

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escape of the  
Prisoner shall  
pay the award  
of the Court,  
shall be fined  
a 1000<sup>l</sup>. of  
Tobacco, if  
his consent to  
the escape be  
proved.*

the Publick, the other half to the Party grieved for his delay in recovering the Debr, but if Bail be taken, and the Party appears not to answer, then Judgment shall be awarded against the Bail, always provided that the Sheriff or Bail, shall if he desire it have an Attachment against the Estate of the Party arrested, and not appearing, and further, that if the Sheriff or Bail shall at the next Court to that which the arrest was made, appear and bring forth the Body of the Party so arrested to answer the suit; Then the Sheriff or Bail shall be acquitted from the Judgment past against them.

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*At a Grand Assembly held at J A M E S  
CITY September 3. Anno 1667.*

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I.

*An Act for Tobacco of Mary-land growth  
to be free from Duties.*

**W**Hereas there is an Order at present in force, requiring that all Tobacco though of *Mary-land* growth, shipped in Ships riding in any Harbour of *Virginia*, should pay the Impost of two shillings per Hogshead; and whereas at present the Inhabitants of the south-side of *Virginia* in *Potomack* River are enforced for their present necessity, to lay out or Ship the greatest part of their Tobacco in Ships riding in the Government of *Mary-land*, for which as is said, they are to pay the like Duties of two shillings per Hogshead, as is paid for *Mary-land* Tobacco shipped upon Ships riding in *Virginia*; Be it Enacted by the Governour, Council and Burgesses of this Present Grand Assembly, and the authority thereof, That for Relief of the said Inhabitants of *Virginia*, who are otherwise likely to pay double Duties, That no Tobaccos of the growth of *Mary-land*, though laden in Ships riding in any Harbour in *Virginia*, shall be lyable to pay any  
Vir



*Virginia* Duties from the date of this Act until the first of *October*, which shall be in the year of our Lord, 1668. Nor after, if the next Assembly find cause to continue it. Provided that if the Government of *Mary-land* do lay Impost upon *Virginia-Tobacco* shipped in Ships riding in their Harbour, then this Act to be absolutely Void and Null, and all Tobacco of *Mary-land* growth laden a board any Ship in *Virginia* to pay Duties as formerly. Provided also, that if any person shall fraudulently send on board any Ship in *Virginia*, Tobaccoes of the growth of *Virginia*, and pretend the same to be of the growth of *Mary-Land* intending thereby to defraud the Country of their Dues, he shall forfeit the Tobacco so laden and concealed.

*How long this Act shall continue in force, and upon what conditions to be repealed.*

## II.

An Act declaring that Baptism of Slaves doth not exempt them from Bondage.

Whereas some doubts have arisen whether Children that are Slaves by Birth, & by the Charity & Piety of the Owners made Partakers of the Blessed Sacrament of Baptism should by vertue of their Baptism be made free; It is enacted & declared by this Present Grand Assembly, and the authority thereof, that the conferring of Baptism doth not alter the condition of the person as to his Bondage or Freedom That divers Masters freed from this doubt may more Carefully endeavour the propagating of Christianity by permitting Children though Slaves, or those of greater growth if capable to be admitted to that Sacrament.

## III.

An Act of encouragement for Erecting Mills.

Whereas it would conduce much to the Convenience of this Country both for grinding of Corn, and nearer Roads if Mills were erected at convenient places, which divers persons would willingly do, if not obstructed by



Two Commi-  
sioners may  
be impowered  
by the County-  
Court, to ap-  
point conveni-  
ent places  
whereon to  
erect Mills.

Also for buil-  
ding of  
Churches or  
Court-houses.

by the perverseness of some persons, not permitting others, though not willing themselves to promote so publick a good; It is enacted by this present Grand Assembly, and the authority thereof, that if any person willing to erect one or more Mills upon convenient places, hath Land only on one side the said place, and the Owner of the Land on the other side, refuse to let him have an Acre of Land to the use aforesaid, That then the Countie-Court upon request of the Party so refused, shall order and impower two Commissioners, or such other Credible Person as they shall think fit to view the said Land; And if it take not away housing, or Orchards, or other immediate Conveniencies, then to vallue the said quantity of Land, and to put the same into the possession of the Party building the said Mill or Mills, he paying the consideration the Land is valued at; And it is further enacted, that the like liberty shall be granted for two Acres of Land and no more for erecting Churches or Court-houses. Provided that in case of desertion of any Structure, the Land shall revert to the first Proprietor, he paying what he received for it.

#### IV.

#### An Act for Roads to Houses.

Convenient  
passage for  
Man and  
Horse shall be  
made to every  
Plantation.

**V** Hereas the dispatch of Business in this Country, is much obstructed for want of Bridle wayes to the severall houses and Plantations, It is Enacted by this Grand Assembly, and the authority thereof, that every person having a Plantation, shall at the most plain and convenient place that leads to his house make a Gate in the Fence, for the Convenience of passage of Man and Horse to his house, about their Occasions at discretion of the Owners.

V. *An Act against Exportation of Corn.* Vide Act 3. Anno 167 $\frac{1}{2}$ .

VI. *An Act for Rating of Ordinary-Keepers.* Vide Act 10. Anno 1676.

VII. *An Act for Forts to be built in each River.* Vide Act 2. Anno 1668. and Act 1. Anno 1672.

At

At a Grand Assembly held at JAMES  
CITY, September 17. 1668.

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I.

*An Act for Establishing a Fast.*

W<sup>h</sup>ereas the many Sins of this Country may justly provoke the Anger of Almighty God against us, and draw down his Judgments upon us, unless diverted by a timely and hearty Repentance; The Governour, Council and Burgeses, taking the same into their serious consideration, have enacted, and do by these Presents enact, That the 27th day of *August* next, be set a part for a day of Humiliation, hereby strictly requiring all persons on that day, to repair to their Respective Parish-Churches, with Fasting and Prayer, to Implore Gods Mercy, and deprecate the Evils justly impending over us; And be it further enacted, that if any person or persons in contempt hereof, shall be found on that day Gaming, Drinking, or Working, (works of necessity excepted) he or they so offending, upon Presentment of the Churchwardens, and proof thereof made to the Vestry, shall be fined one hundred pounds of Tobacco, half to the Informer, half to the poor of the Parish; And it is further enacted, that all Ministers in the Parish where they reside be required to repair themselves to the solemnizing that day.

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II.

*An Act for dispensation of Ships riding under  
the Forts.*

W<sup>h</sup>ereas the Act for erecting Forts enjoynes all Ships trading into this Country to ride within the command of the Forts, now erected for security of the said Ships in times of War and Danger, and since God hath restored to us the Blessing of an Universal Peace, by which the necessity occasioning that injunction is taken away; The Governour, Council and Burgeses of this Grand Assembly, for the  
S f ease

*Ships permitted to Ride in any part of the River, where they may most conveniently unload.*

ease and convenience of the Inhabitants and Traders have enacted, and by these Presents do enact, That Licence and Liberty shall be, and hereby is granted to all Merchants and Masters of any Ship or Vessel that already is or hereafter shall come into any River of this Country, to ride with their Ships in any part of that River, they shall make choice of, for better dispatch of their Affairs, and this permission to continue in force, until the Governours Honour find just cause to command the contrary.

### III.

#### *An Act concerning Damgages in Appeals.*

*Costs and Damgages given in County-Courts upon Appeal to the General Court if cast there, shall be raised 50. per Cent.*

WHEREAS the present Act about Appeals, seeming to take care only of the damgages sustained by Creditors in actions of Debt, is difficult in prescribing a Remedy upon actions in the Case Trespas, &c. By which impunity litigious persons do more boldly persist in stirring up and prosecuting malicious and unjust suits, to the great trouble, vexation and damage of many honest men, and the breach of His Majesties Peace for Redressing whereof, It is enacted by the Governour Council and Burgeses of this Grand Assembly, and the authority thereof, That in all actions the damgages, costs and reasonable expences of suit recovered against the Appellant in the County-Court by Judgment or Verdict of a Jury, shall have fifty *per Cent.* raised upon all those costs and damgages in the General Court or Assembly (if Appeal be made to the General Court) against the person Appealing if cast in the suit.

### IV.

#### *An Act about Correction of Runaways.*

*Corporal punishment may be inflicted on Runaways.*

WHEREAS it hath been questioned whether Servants running away may be punished with corporal punishment by their Master or Magistrate, since the Act already made gives the Master satisfaction by prolonging their time of Service: It is enacted and declared, That corporal punishment moderately inflicted on a Runaway-Servant by Master or Magistrate, shall not deprive the Master of the Satisfaction allowed by the Law; the one being as necessary to reclaim them from further persisting in that idle course, as the



the other is just, to repair the Damages sustained by the Master.

V. *An Act Impowering County-Courts to build Work Houses, assisted by the Vestry.* Vide Act 10. An. 1666

## VI

*An Act permitting the Exportation of Horses and Mares.*

Whereas the numbers of Horses and Mares is so increased, that there appears not any occasion to continue the Restraint of their Exportation; It is enacted by this Grand Assembly, and the Authority thereof, That the Exportation of Horses and Mares shall be from henceforth free, and the Act prohibiting it Repealed.

## VII.

*An Act Continuing the Tax on Negro-Women.*

Whereas some doubts have arisen whether *Negro-Women* set free, were still to be accounted Tythable, according to a former Act; It is declared by this Grand Assembly, That *Negro-Women*, though permitted to enjoy the Privilege of their Freedom, yet ought not in all respects to be admitted a full fruition of the Exemptions and Immunities of the *English*, and are therefore still liable to payment of Taxes.

Negro-women though enjoying the privilege of freedom, not exempt from the payment of Taxes.

## VIII.

*An Act concerning the Property of Tobacco.*

Whereas some question hath been made whether weighing or marking, or both, transferred the property of Tobacco; some persons having both by weight and mark received, and yet by the alteration of their own occasions have after refused the Tobacco so received, and upon pretence of non-acceptance, having the Specialties still in their hands, have recovered Judgments for sums that justly were discharged: Therefore be it enacted by this present Grand Assembly, and the Authority thereof, That Marking alone (being the usual way of appropriating all things) without Weighing, doth transfer the property of Tobacco to him that sets, or causes

Marking of Tobacco alone, sufficient to Transfer the Property thereof.



causes to be set his mark upon it : And that for ascertaining the sum paid, if the Receiver have not convenience to weigh it when he marks it, then he that pays it away, may after ten days respite, desire any Commissioner of that *County* to weigh the *Tobacco*, or cause it to be weighed ; and the Attestation of the said Commissioner, or the oath of the person or persons by him deputed, shall oblige the Creditor to discount, or allow the quantity.

## IX.

## An Act for Restraint of Tipling-Houses.

**W**Hereas the excessive number of *Ordinaries* and *Tipling-Houses*, set up for the advance of a private Gain, are found to be full of mischief and ill-convenience, by cherishing Idleness and Debauchedness in a sort of loose and careless persons, who neglecting their Calling, mispend their time in Drunkenness ; and having once contracted Debts beyond their Abilities of payment, make Escapes out of the Countrey, to the detriment of the Publick, the loss of their particular Creditors, and often to the Charge of the Parish where they lived : Be it enacted and declared, That the Commissioners of each County-Court be required to take especial care for the Suppressing and Restraint of the exorbitant number of *Ordinaries* and *Tipling-Houses* in their respective Counties : And not to permit in any County more then one or two, and those near the Court-House, and no more ; unless in Publick Places, as Ports, Ferries, and great Roads, where they may be necessary for the Accommodation of Travellers, according as their several Courts shall find the necessity of their Counties require. And further, That the said Commissioners take good Security for those to whom Licences are granted to conform themselves to the Laws ; And that all persons keeping Tipling-houses without Licence shall be fined two thousand pounds of *Tobacco*, half to the County, half to the Informer, for each time he offends.

Not above  
one or two  
Tipling-houses  
or Ordinaries  
to be in  
each County.

Except on  
Great Roads  
Ports, &c.  
as the County  
Courts shall  
see necessary.

Such as have  
Licences to  
keep them,  
shall give  
security to the  
County-Court  
Commissioners.

At

At a Grand Assembly held at JAMES  
CITY, the 20<sup>th</sup> Day of October,  
Anno 1669.

I.

*An Act about the Casual Killing of Slaves.*

**W**HEREAS the only Law in Force for Punishment of Refractory Persons, Resisting their Masters, Mistresses, or Overseer, cannot be Inflicted on *Negroes*; Nor the Obstinace of many of them, by other than violent means Suppressed: Be it Enacted by this Grand Assembly, and the Authority thereof, That if any Slave resist his Master, or others by his Masters order correcting him, and by the Extremity of the Correction should chance to dye, such death shall not be accounted Felony; But the Master, or that other Person by his Master appointed to punish him, be acquit from Molestation: Since it cannot be presumed that Prepensive Malice, which alone makes Murther Felony, should induce any Man to destroy his own Estate.

*Slaves resisting when Corrected if they chance to be killed, their death shall not be accounted Felony.*

II.

*An Act against the Importation of Horses and Mares.*

**W**HEREAS the last Assembly partly to restrain the numerous increase of Horses, now growing rather burthensome, then any way advantageous to the Countrey,

T t

partly

No Horses, or  
Mares to be  
Imported upon  
Penalty of  
Sizure.

partly to encourage Trade, did permit that *Mares* might be exported; this Assembly taking Care that both the ends aforelaid, might be advanced: Have Enacted, And by these presents do Enact, That no *Horses* or *Mares* after the last of *December* next, shall be by any Person or Persons Imported, or brought into this Colony from any other Plantation or Government whatsoever; And that if any other Person or Persons shall contrary to the Intent of this Act, by any wayes or means bring into this Country any *Horse* or *Mare*, after the last of *December* aforelaid; The Sheriff of that County into which they shall be brought, is hereby strictly required and enjoined, to make present Sizure of the said *Mares* or *Horses*, for the use of the Publick, and to render an account thereof, to the next Assembly; and out of the Value, the moyety thereof to be allowed to the Informers.

### III.

#### *An Act for Re-examination of Orders in the County-Courts.*

County-Courts  
shall re-exa-  
mine their Or-  
ders.

**W**Hereas the Twenty Second Act of Assembly, March 23. 1661. Prescribes a way of Re-examination of Orders in the General Court, but no mention made in the County-Courts. It is hereby Enacted, that the Course that Act prescribes for the General Courts, shall be strictly Observed in the County-Courts, and the County-Court omitting according to that Act to re-examine and Sign their Orders, shall be fined for every such Omission One Thousand Pound of *Tobacco*, whereof the Sheriff shall give Account to the next Assembly, who are to dispose the same to the Use of the Publick.

### IV.



IV.

An Act for the Fee of a Dedimus Po-  
testatem.

Whereas the Act granting Commission of *Dedimus Po-  
testatem*, omitting the Fee, hath caused great ex-  
tortion in divers Clerks: It is Enacted that a Fee for a *De-  
dimus* Issuing from the General Court, shall be ascertained  
at Fifty pounds of Tobacco, and in the County-Court, at  
Twenty five Pounds of Tobacco each Commission.

The Fee of a  
*Dedimus Po-  
testatem* As-  
certained.

V.

An Act for freeing Virginia-Owners from  
Castle-Duties.

Whereas the Act for Encouragement of *Virginia*,  
*Owners* Exempts them from payment of the  
Two Shillings Per Hogshead. It is hereby En-  
acted, that they be also exempted from paying the *Castle*  
*Duties* for their greater Encouragement.

*Virginia Own-  
ers exempted  
from Castle  
Duties.*

VI.

An Act for Encouragement to make Silk.

Whereas the Advancement for the making of *Silk* will  
undoubtedly tend greatest as to the present Honour  
and Reputation, so to the future great benefit and profit of  
the



*Fifty pound of Tobacco allowed by the Publick for every pound of Wound-Silk.*

the Country; It is Enacted, that the former Encouragement of Fifty Pounds of Tobacco, for every pound of wound Silk, be allowed as formerly out of the Publick.

## VII.

*An Act for each County to send two Burges-  
ses.*

**W**Hereas several Inconveniencies have arisen by the Act, giving liberty to the Counties to choose one or two *Burgeses* at discretion, as the Retarding the business of the House, when those single *Burgeses* are upon Committees, or have any Suit of their own, or differences between divers Parishes in the Counties; Or have their Appearance hindered by Sickness or otherways. In all which occasions, the County that sends, or part of it, are deprived of the privilege of their Representatives; It is Enacted that each County after this present Session, shall be enjoyned to return two *Burgeses* for the better service of the Publick.

*Each County  
to send two  
Burgeses.*

## VIII.

*An Act for Encouragement to Apprehend Run-  
aways. Vide Act the first, Anno 1670.*

## IX.

*An Act for destroying Wolves. Repealed by  
Act 10. 1670.*

To

At a *Grand Assembly* held at **JAMES CITY**, the Third of *October*,

*Anno* 1670.

**An Act concerning Runaways.**

**W**Hereas the Act made the last Assembly for encouragement to Apprehend Runnaweyes, hath seemed too Burthensome to the Publick, by the greatness of the Sum there granted to the taker of them up. And also difficult in some things very necessary for the restraint of Runaways. Upon Consideration whereof, It is Enacted & Ordained by the Governour, Council and Burgesses of this Grand Assembly, and the Authority thereof, That the former Act of *October*, 1669. be Continued in its full force; But the Sum of one Thousand Pounds of Tobacco therein granted to the Taker of them up, shall be and hereby is reduced to two Hundred Pounds of Tobacco, if the Runaway be found above ten Miles from his Masters House. And one hundred Pounds of Tobacco, if found above five miles from his Masters house, to be paid by the Publick, in the County where the Party dwells, If it can be for every servant of what quality soever; And that the servant not being Slave, who are also comprehended in this Act, after the expiration of his full time due to his Master, shall serve any person he shall be assigned to, by the Assembly or any Commissioner from them, the Term of 4 Months for every two hundred pounds of Tobacco paid for him, The Assigné giving Commission to the said Commissioners to repay the Tobacco to the Publick. And the Commissioners receiving such Commission to return it to the County-Court, and the County-Court to the Assembly; And that the said Runaway may be the more easily detected, It is further

*Rewards for  
the Apprehen-  
ding of Run-  
ways limited.*

U u

Enacted

*How Masters  
are to deal  
with Runa-  
ways.*

*The Duty of  
Constables in  
Conveying  
Runaways to  
their Masters.*

Enacted that every Master having a Servant that hath Runaway twice, shall be, and hereby is Enjoyed and Commanded to keep his Hair close cut. And that every Master failing herein, shall be fined One Hundred Pounds of Tobacco, for every time the said Fugitive shall after the second time be taken up; half to the Publick, half to the Informer. And for the better preventing such attempts, It is further Enacted. That every Constable into whose hands the said Fugitive shall by any Commissioners Warrant be first Committed, shall be, and hereby is enjoyed by vertue of this Act, though omitted in the Warrant, to whip him severely, and then to Convey him to the next Constable towards his Masters House, who is to give him the like Correction, and so every Constable, through whose Precincts he passeth, to do the like. And that Constables may be the more Careful in their Offices; It is further Enacted, That every Constable into whose Custody the Runaway shall be Committed, shall give a Receipt to the Constable or Party he receives them from, to the end, that if the said Fugitive should by negligence of any Constable make an escape, such negligence might be discovered; and for the Offence, pay Four Hundred Pounds of Tobacco, half to the Publick, half to the Informer, and the Fine in the former Act of One Thousand Pounds of Tobacco to be Repealed. And because such Runaways, after the expiration of their time, may by vertue of their Masters Certificate Remove from the place they dwell, in and by such Concealment defraud the Publick of what hath been disbursed for him, It is further Enacted, That every Respective Master Owner of such Servants indebted to the Publick, shall immediately after the time of such Servant is expired, deliver him to the next Justice, who is to deliver him to the next Sheriff to be secured till the next County-Court, there to be Proceeded with, as the Law directs, unless such Servant can procure sufficient Security to pay the Penalty laid on him by the Act; And that every Master giving Certificate before such Delivery of such Servant to the Justice, shall Repay the Publick whatsoever hath been disbursed for the Recovery of his Servant during the time he served him.



## II.

## An Act Concerning Fences.

**VV** Hereas the Act for Fences doth not sufficiently provide for Remedy of those many dammages done by Unruly Horses, breaking into Corn-fields, it is by the Authority of this Grand Assembly Enacted, That the Owner of such Horses shall be, and hereby is required and enjoyned to take some effectual course for Restraining them, from Trespassing their Neighbours, from the Twentieth of July, to the last of October in every year; it being much fitter that Rich-men, who have the benefit of such Horses, should provide for their restraint, then the Poor enjoyned to the impossibility of very high Fences; and if any Horse, or Horses shall at any time break into any Corn-Field, the Fence being four foot and a half high, then the Owner of such Horse, or Horses, upon proof of the damage, shall pay for the First Trespass, single dammages, and for every Trespass afterwards double dammages to the Party Grieved: And because question hath been made about the sufficiency of Fences, according to the former Act, enjoyning them to be close to the bottom, It is hereby Enacted, that being so close as nothing mentioned in the former Act, can creep through, is onely by that Act intended.

*Fences of Corn-fields to be four foot and a half high.*

*Dammages for Trespass.*

## III.

## An Act for the Election of Burgesses, and by whom.

**VV** Hereas many endeavours have been used for the publick good in the Election of Burgesses, and whereas the usual way of choosing, is by the Votes of all Persons,

*Now but Free-  
holders and  
House-keepers,  
shall have a  
voice in Elec-  
tions of Bur-  
gesses.*

Persons, who having served their time, are Freemen of the Country, who having little interest in the Country, do oftner make Tumults at the Election, to the great disturbance of His Majesties Peace, then by their discretion in their Votes, provide for the conservation thereof, by making choice of Persons fitly qualified, for the discharge of so great a Trust, and whereas the Laws of *England* grant a Voice in such Elections, only to such as by their Estates real or personal have interest enough to tie them to an endeavour of the publick good; It is hereby Enacted, That none but Freeholders and House-keepers, who only are answerable to the publick for the Levies, shall hereafter have a Voice in the Election of any Burgesses in this Country, and that the Election be at the Court-house.

## IV.

### *An Act for Lists of Tytheables to be Published.*

*Lists of Tythe-  
ables shall be  
set up at the  
Court-Door.*

Whereas many endeavours have been used for prevention of Frauds in taking the Lists of Tytheables; It is hereby Enacted, for the surer discovery thereof, that at the next Court after the tenth of *June* in every County, the names and numbers of Tytheables in every List taken by the Respective Justices in their Respective Precincts limited them, be taken by the Clerk of the County-Court, and by him written, and set up at the Court Door, all that Court-day, to the end that if any concealment have been made, the persons living near them may discover them to the Court, and such Penalties be inflicted on them as by the former Law is enjoined

## V. An

V.

An Act declaring no Indians nor Negroes to buy Christian-Servants.

Whereas it hath been questioned, whether *Indians* or *Negroes* manumitted, or otherwise free, could be capable of purchasing Christian Servants; It is Enacted, that no *Negro* nor *Indian* though baptized, and enjoying their own Freedom, shall be capable of any such purchase of Christians; but yet not debarred from buying any of their own Nation.

*Indians and Negroes may buy their own Natives, but not Christians.*

VI.

An Act shewing how Certificates for Marriages shall Issue.

Whereas Complaint hath been made, that divers Persons to the defeating the Law, and Defrauding Parents and Guardians of that natural right, and just Privilege, in disposing of their Children and Orphans in Marriage, have clandestinely procured the Clerk of other Counties, when that the Parents live in, to give them Certificates, for Licences, and so the Parents by the inequality of the match dishonoured, and the Child ruinated in her Fortunes; It is Enacted, that the Act for Licences to Issue one Certificate from the Clerk of the County-court, be declared to extend to no other Clerk; but of that County where the Maid, her Parents or Guardian dwells, and that the Clerk of that County shall not grant any such Certificates without the personal consent of the Parent or Guardian; and that in every Certificate the Clerk shall expressly averr the same, and every Clerk that shall grant them otherwise then afore, expressed to forfeit his place.

*Certificates for marriage not to be granted without the Consent of the Parent or Guardian.*

X x

VII. An



## VII.

## An Act concerning Litigious Suits.

*What Damages are allowed in Case of Litigious Suits.*

**VV** Hereas Divers Litigious Suites are conceived meerly out of envy and Malice, to the ruine of divers poor men, by forcing them to a neglect of their domestick affairs, and unnecessary expences, during their attendance at General Courts: It is hereby Enacted, that in all cases where the Molestation shall be found to be unjust, the party so molesting without cause, may be inforced to pay to the party grieved for every day, he may be reasonably in going to *James City*, and returning home thirty pound of Tobacco per day, and for every day of his Attendance to answer sixty pound of Tobacco per day, besides his Ordinary Non-Suit allowed by a former act, and costs of Court.

## VIII.

## An Act concerning Commissioners Warrants.

*Constables are to obey Commissioners Warrants.*

**VV** Hereas it hath been doubted whether the Warrant of any Commissioners be in force, to constrain a Constable of another County to prosecute, by Hue and Cry; or to apprehend or convey Runaways to the next Constable: It is hereby Enacted and Declared, that the said Warrant directed first to a Constable within his own Precincts, and so from Constable to Constable for avoiding delays in such necessary Pursuits, oblige every Constable to whom it shall come to the observance and performance of the Contents, of this Precept.

IX. An

IX.

*An Act of Penalty for not returning two Burgeses.*

**W**Hereas the Act for Electing two Burgeses for each County for want of a Fine, hath not had the due observance it ought; It is Enacted, that every County not sending two Burgeses to every Session of Assembly, shall be fined ten Thousand pounds of Tobacco, to the Use of the Publick. Penalty on Countys for not sending two Burgeses.

X.

*An Act Repealing the Act about Wolves.*

**W**Hereas the Act for Encouragement of Indians to kill Wolves, and paying the Tribute, Beaver in Wolves-heads, hath not produced such Effects as was hoped and desired, It is therefore Enacted, that the Act concerning the destruction of Wolves, and paying the encouragement by the Publick be Repealed, and the former Act to remain in force.

XI.

*An Act for the better payment of Two Shillings Per Hogs-Head, vide Act 3. Anno 1680.*

XII. An

## XII.

## An Act concerning who shall be Slaves.

*All Servants  
imported  
not being  
Christians  
shall be Slaves  
during Life.*

*But those that  
come by Land  
for a time li-  
mited.*

Whereas some disputes have arisen whether *Indians* taken in War by any other Nation, and by that Nation that takes them sold to the *English*, are Servants for Life, or Term of Years; It is Resolved and Enacted, that all Servants not being Christians, imported into this Country by Shipping, shall be Slaves for their life time, but what shall come by Land shall serve if Boys and Girls, until thirty years of Age, if Men and women, twelve years and no longer.

At a Grand Assembly held at JAMES CITY, the Twentieth of September,  
Anno 1671.

## I.

An Act Prohibiting Millers the taking of more than one eight part of English Grain Toll, for Grinding thereof.

Whereas divers Complaints have been Exhibited against the greatness of Toll paid to Millers, for Grinding of Corn, for the Regulating whereof for the future,



ture, Be it Enacted and Ordained, by the Governour, Council and Burgeses of this Grand Assembly, and the Authority thereof; And it is hereby Enacted and Ordained, That no Miller shall take for grinding of *English Grain*, more than one eighth part, and for grinding of *Indian Corn*, more than one sixth part, as formerly; and that every Miller exceeding herein shall undergo such Fine and Penalty as is imposed by a former Act made at *James City*, the 23d. of October, 1666. *Millers shall take but one eighth part for Grinding English Corn, and one sixth for Indian.*

## II.

An Act permitting the Exportation of Wool Hides, and Iron. Vide Act 12. Anno 1680.

## III.

An Act for moderating the Rates of Liquors. Vide Act 10. Anno 1677.

## IV.

An Act providing how Negroes belonging to Orphans of Intestates shall be disposed of.

Whereas in the former Act concerning the Estates of Persons dying Intestate, It is Provided, That Sheep, Horses, and Cattle, should be delivered in kind to the Orphans, when they come of Age according to the several Ages the said Cattle, were of when the Guardian took them into his possession, to which some have desired that Negroes might be added, this Assembly considering the difficulty of procuring Negroes in kind, as also the Value and Hazard of their Lives, have doubted whether any sufficient men would be

Y y

found,

*The Disposal  
of Negroes  
belonging to  
Orphans, re-  
ferred to the  
County-Courts*

found, who would engage themselves to deliver *Negroes* of equal ages, if the specifical *Negroes* should dye, or become by age or accident inserviceable; be it therefore Enacted and Ordained by this *Grand Assembly*, and the *Authority* thereof, That the consideration of this be referred to the County-Courts, who are hereby Authorized, and impowered either to cause such *Negroes* to be duly apprized, sold at an Outcry, or preserved in kind, as they shall find it most expedient for the preservation, Improvement, or advancement, of the Estate and Interest of such Orphans.

## V.

*An Act Repealing the Act making it death for  
Indians coming into Henrico-County.*

*Indians per-  
mitted to  
come into  
Henrico-  
County.*

**W**Hereas the Burgesses for the County of *Henrico* have shewed several inconveniencies and hazards, that may happen, by the liberty granted to the *English*, to kill any *Indian* coming within the bounds of that County, which this Assembly taking into consideration, have Enacted, and it is hereby Enacted and Ordained by the Authority thereof, that the said Act be Repealed; and the *Indians* permitted to come into the said County as well as others, about their lawful occasions, Provided they be no where entertained but by Licence legally obtained from the Right Honourable the Governour, as in other places.

## VI.

*An Act concerning Sheriffs Fees for Arrests.*

**W**Hereas Complaints have been made that some Sheriffs extorted greater Fees for Arrests than were allowed by Law, viz. Twenty Pounds of *Tobacco* for commitment

mirment and Releasment, whether the person were Imprisoned or not, It is Enacted and Declared by this *Grand Assembly*, That the just Fee for an *Arrest* is Ten Pounds of *Tobacco*, for the Bond Five Pounds of *Tobacco*, and not any thing for Commitment, or Releasment, unless the Person were actually put in Prison.

*The Fee due  
to the Sheriff  
for an Arrest.*

VII.

An Act for Naturalization, Vide Act II.  
Anno 1680.

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At a Grand Assembly held at JAMES  
CITY, the Four and Twentieth  
of September, Anno 1672.

---

I.

An Act for the defence of the Country.

**V**Hereas for the necessary Defence of this Country, and Security of the Ships and Vessels trading thereto; It hath been Enacted, that sundry Forts should be built in convenient places, upon the Rivers, which accordingly have been effected, but forasmuch as the Materials wherewith the said Forts were built were not sufficient nor lasting, some have suffered utter Demolishment, some very ruinous, and some with some small charge are capable of Reparation; This Grand Assembly taking the same into their serious consideration, and desirous as much as in them lyes, to provide for the safety of this his Majesties Country, so far forth as the present Capacity thereof will admit; Hath thought fit to enact, and it is hereby  
Enacted



*Forts ruined  
and demolished  
shall be built  
anew, or re-  
paired with  
Brick.*

*How Levies  
are to be made  
for effecting it.*

*The Rates of  
Smiths, Ar-  
mourers, &c.  
to be ascer-  
tained.*

*The said Ar-  
tifiers to be  
paid by the  
Counties, and  
the Counties  
to be Rein-  
burfed.*

Enacted and ordained, by the Governour, Council and Bur-  
geses of this Grand Assembly, and the Authority thereof,  
that the **Forts** on all the Rivers be built substantially with  
Brick in all such places, where the Demolishment, or ruine  
of the former forts shall require to be built anew, and that  
those **Forts** that are capable of being repaired, shall also be  
done with Brick, in all such places where the demolishment  
or Ruine of the former **Forts** shall require; and that the  
Commissioners of the Respective Associations do take care  
that this Act be put into speedy and Effectual Execution,  
and whereas the Moneys rising from the Fort-Duties, have  
been design'd to remain in Stock for the use of the Respective  
**Forts**, which at present is not sufficient to defray this charge  
of building and repairing; Be it further enacted by the  
Authority aforesaid, that it shall and may be Lawful for  
the Commissioners of each Association, and they are hereby  
fully authorized and Impowered to Assess, and Levy so much  
**Tobaccoes** in their Respective Counties, as shall be wanting  
and needful for the building and repairing of their Re-  
spective **Forts** as aforesaid, and whereas the Act of 1667  
hath provided for the Mannagement and Command of the  
**Forts**; It is hereby further enacted by the Authority aforesaid, that this additional be thereunto made; viz. That upon  
all Alarms or sudden Invasions, or Occasions in the absence  
of the Major Generals, the next Colonel or adjacent Com-  
mander to any Fort, shall draw down of his Regiment his or  
their Company or Companies sufficient for the defence  
thereof, till further order of the Superiour Officers; And  
forasmuch as against all times of danger, it ought to be the  
care of all men to provide that their Arms and Habiliments  
of war be always kept fixt and fit for Service, and that Ar-  
mourers and Smiths may be encouraged to work; It is also  
enacted by the Authority aforesaid, that the Commissioners  
of the Respective Associations, shall and do Ascertain the  
Rates for the work of Armourers and Smiths and such Ar-  
tifiers. And for the prevention of the great trouble that  
usually accrues to Artificers in Collecting several small Par-  
cels in payment for work done, that the said Artificers shall  
take from under the hands of those for whom they work  
and return the same to the Commissioners aforesaid, which  
accounts by them shall also be returned, Rated into their  
Respective Countie Courts, when the Levy is laid, the Ar-  
tifiers to be paid intirely by the Counties, and the Coun-  
ties Reimbursed by the Person for whom the work was done,  
and

And that the said Artificers may not delay people which repair to them with their Arms, be strictly enjoyned under a Fine to be imposed by the said Commissioners, to lay aside all other works to go about this of Arms. And where-as it hath been a frequent and evil practice of many men upon sight of Ships or Vessels newly arriving, to go on Board, not knowing whether they be Friends or enemies, by means whereof opportunity hath been given and taken by the Enemies, to obtain intelligence to the great prejudice of the Country, for prevention whereof for the future; Be it Enacted by the Authority aforesaid, That it shall not be lawful for any Cannooe-Boat or Sloop to go on Board any Ship or Vessel, that shall arrive into any part of Virginia, before the said Ship or Vessel send on shoar, and thereby are known what they are. And if any shall offend in this kind, each Cannooe or Boat shall be amerced 400. Pounds of Tobacco, and Cask, and Sloop One Thousand Pounds of Tobacco and Cask to be recovered by Action of Law, One Moytie to the use of the County, where the Offence shall be Committed, and the other Moytie to the Informer; But if Servants onely have the Rule of the Cannooe-Boat or Sloop, they to receive corporal punishment of Forty Lashes, but redeemeable by the Fine aforesaid, provided alwayes that this Clause of the present Act for preventing intelligence to the Enemy, do and shall continue in Force during times of War and no longer.

No Boat to go on Board a Ship newly arrived, before the said Vessel send on shoar.

## II.

### An Additional Act concerning Orphans Estates.

Whereas the sixty sixth Act of the Grand Assembly, Holden at James City the 23d. of March, 1661. hath laid down several Rules unto the County-Courts, for the management and securing the Estates of Orphans.

Z z

Now

*County-Courts  
Authorized to  
dispose of Or-  
phans Estates.*

Now for as much as it hath been manifested to this Assembly, that some Courts have endeavoured to dispose of some Estate of Orphans according to the Act have not found any persons willing to take and secure them in manner and form as that Law requires. This Grand Assembly taking the same into their Consideration, and desiring that such an expedient might be provided, That in such Cases neither the Courts nor the Orphans may be prejudiced, have thought fit that an Additional Act be made thereto. Be it therefore Enacted, By the Governour, Council and Burgeses of this Grand Assembly, and the Authority thereof; That it shall, and may be lawful for the County-Courts, to dispose of Orphans Estates according to the best of their judgment and advantage of the Orphans. In such Cases where the said Courts cannot find persons, will take Orphans Estates according to the afore Recited Act.

### III.

## An Act concerning Tytheables born in the Country.

*persons ap-  
pointed by the  
County-Courts  
shall take  
Lists of Ty-  
theables.*

For the better discovery of what persons born in this Country, are and ought to be accounted Tytheables, and the ages of the younger sort the better known. Be it Enacted by the Governour, Council and Burgeses of this Grand Assembly, and by the Authority thereof; That all persons who are appointed by the County-Courts, to take the Lists of Tytheables each Countie shall take an account of all *Negroe Mulatto, and Indian* Children within their severall Precincts. And the Ma-  
sters



sters or Owners of such Children, are to make appear upon Oath or Evidence the ages of them. And that all *Negro* and *Mulatto* Children and Slaves that shall be born in this Countrie, shall by their Respective Masters or Owners within Twelve Moneths alter their Births, be Registred in the Parish Register with their exact Ages. And in default thereof, the said Master or Owner shall pay Leavie for them for that year, and so yearly till such Register be made. And it is further Enacted by the Authority afore said, That all *Negro* Women born in this Countrie, shall be accounted Titheables at sixteen years of age.

*The Births of Negro and Mulatto Children and Slaves born in Virginia shall be Registred*

#### IV.

An Act limiting how long accounts shall be Pleadable.

FOR the prevention and avoiding of many Suits and Controversies, it hath seemed Convenient to this Grand Assembly, to limit a time beyond which accounts may not be pleadable, for as much also as there is a Law, which admits no Bills pleadable after five years; Be it therefore Enacted and Ordained, and it is hereby Enacted and Ordained by the Governour, Council and Burgeses of this Grand Assembly, and by the Authority thereof, that accounts shall not be pleadable after three years by any person living in this Countrie. And not after five years by any person, that shall lay claim by accounts out of this Country this Act not relating any thing to the Act concerning accounts against dead mens Estates.

*Accounts shall not be pleadable after three years by persons living in this Country*

#### V. An

## V.

*An Act concerning Servants Sold for the custom.*

**W**Hereas it hath been the Practice of divers Servants, who have been sold for the custom of the Country after the departure of the Ship wherein they arrive; And Persons who sold them to produce or pretend Indentures for shorter time: Whereupon disputes have frequently arisen between the said Servants and their Masters for Prevention whereof for the future: be it Enacted, by the Governour Council and Burgeses of this Grand Assembly, and the Authority thereof; that every Servant who comes Inpresumable without Indenture, and so sold for the Custom, shall by his Master be brought before some Justice of the Peace, to declare whether he hath any Indenture, and if the Servant shall alledge he hath, but cannot as then produce it, the said Justice shall in the Case Assign him one Months time, within which if the said Servant fail to produce it, he shall be barred from his Claim; by reason of any pretended Indenture whatsoever.

*Indentures to  
be produced.*

## VI.

*An Act concerning Masters of Ships and Collectors, Vide Act the third, Anno 1680.*

## VII. An

VII.

*An Act for Suppressing of Vagabonds and disposing of poor children to Trades.*

Whereas some wholesome Laws and Statutes have by the Wisdom of several Parliaments of England been made and are in force; as well for the Suppression of Vagrant and Idle Persons as setting the poor on work, The neglect of which Laws amongst us hath encouraged and much encreased the number of Vagabonds, idle and desolate Persons; Be it Enacted, and it is hereby Enacted and ordained, by the Governour Council and Burgesses of this Grand Assembly and the Authority thereof, that the Justices of peace in every County do put the Laws of England against Vagrant Idle and desolate Persons, into strict Execution; And that the Respective County-Courts shall and hereby are authorized and Impowered to place out all Children, whose Parents are not able to bring them up Apprentices to Trades; The Males till one and twenty years of Age, and the Females to other necessary Employments until eighteen years of Age and no longer, and the Church wardens of every Parish shall be strictly enjoined by the Courts to give an account annually at their Orphans Courts, of all such children, within their Parish as they judge to be within the said Capacity.

*The Laws of England shall be put in Execution against Idle and Vagrant Persons.*

*Poor Children to be provided for.*

VIII.

*An Act for the apprehension and Suppression of Runaway Negroes and Slaves.*

Forasmuch as it hath been manifested to this Grand Assembly, that many Negroes have been and still are out in Rebellion in sundry parts of this Country, and that no



## V.

*An Act concerning Servants Sold for the custom.*

**W**Hereas it hath been the Practice of divers Servants, who have been sold for the custom of the Country after the departure of the Ship wherein they arrive; And Persons who sold them to produce or pretend Indentures for shorter time: Whereupon disputes have frequently arisen between the said Servants and their Masters for Prevention whereof for the future: be it Enacted, by the Governour Council and Burgeses of this Grand Assembly, and the Authority thereof; that every Servant who comes Inpresumable without Indenture, and so sold for the Custom, shall by his Master be brought before some Justice of the Peace, to declare whether he hath any Indenture, and if the Servant shall alledge he hath, but cannot as then produce it, the said Justice shall in the Case Assign him one Months time, within which if the said Servant fail to produce it, he shall be barred from his Claim; by reason of any pretended Indenture whatsoever.

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*The Laws of England shall be put in Execution against Idle and vagrant Persons.*

*Poor Children to be provided for.*

VIII.

*An Act for the apprehension and Suppression of Runaway Negroes and Slaves.*

Forasmuch as it hath been manifested to this Grand Assembly, that many Negroes have been and still are out in Rebellion in fundry parts of this Country, and that no

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Runaway Negroes and Slaves shall be pursued by Hue and Cry.

Runaway Negroes Mulatto Indians Slaves or Servants for life resisting may be killed.

The Master shall receive Satisfaction from the Publick.

At what rates such Negroes and Slaves shall be valued.

The Neighbour Indians required to seize Runaways and bring them before some Justice of the Peace.

meanes have been found for the Apprehension and Suppression of them ; from whence many mischiefs of very dangerous consequence may arise to the Country if either other *Negroes Indians* or Servants should happen to fly forth, and joyn with them, for the Prevention whereof ; Be it Enacted by the Governour Council and Burgesses of this Grand Assembly, and the Authority thereof, that if any *Negroe Mulatto, Indian Slave or Servant*, for life runaway, and shall be pursued by Hue and Cry : It shall and may be Lawful for any Person who shall endeavour to take them upon the Resistance of such *Negroe Mulatto, Indian Slave or Servant* for life, to kill or wound him or them so Resisting, Provided alwayes, and it is the true intent and meaning thereof: That such *Negroe Mulatto, Indian Slave or Servant* for life be named and described in the Hue and cry, which is also to be signed by the Master or owner of the said Runaway: And if it happen that such *Negroe Mulatto, Indian Slave, or Servant* for life, do dye of any wound in such their Resistance obtained : The Master or owner of such, shall receive Satisfaction from the Publick, for his *Negroe Mulatto, Indian Slave, or Servant* for life, so killed or dying of such wounds, and the Persons who shall kill or wound by virtue of any such Hue and cry, any such so resisting in manner as aforesaid shall not be questioned for the same, he forthwith giving notice thereof, and returning the Hue and cry, or warrant to the Master or owner of him or them so killed or wounded, or to the next Justice of the Peace : And it is further Enacted by the Authority aforesaid, that all such Negroes and Slaves shall be valled at four thousand five hundred Pounds of *Tobacco* and cask a piece, and *Indians* at three thousand pounds of *Tobacco* and cask, and further if it shall happen that any *Negroe Mulatto, Indian Slave, or Servant* for Life in such their Resistance, to receive any wound whereof they may not happen to dye ; but shall lye any considerable time sick or disabled ; Then also the Master or owner of the same so sick or disabled, shall receive from the publick a Reasonable Satisfaction for such damages as they shall make appear they have sustained thereby at the County-court. VVho shall thereupon grant the Master or owner a *Certificate* to the next Assembly of what damages they shall make appear. And it is further Enacted, that the Neighbour *Indians* do, and they are hereby required and enjoyned to sieze all Runaways whatsoever that shall happen to come amongst them, and to bring them before



fore some Justice of the Peace, who upon the Receipt of such servant or servants, slave or slaves from the *Indians* shall pay unto the said *Indian* or *Indians* for a Recompence for each twenty Armes length of *Rhoanoke* or the value thereof, as the *Indian* shall like of, for which the said Justice of the Peace shall receive from the publick two hundred and fifty pounds of *Tobacco*, and the said Justice is to proceed in conveying the runaway to his Master according to the Law, in such cases already provided this act to continue in force until the next assembly, and no longer unless then it be thought fit to continue it.

*The Recompence allowed for so doing.*

*How long this Act shall continue in Force*

## IX.

### An Act concerning Swamps and Marshes.

Whereas several Inconveniencies may arise to many of the Inhabitants of this Countrey, who have Lands adjoining to Swamps Marshes and sunken Lands unpattented, If any others who are disjoyned from the same may be admitted presently to take up and Patent them. This Grand Assembly taking the same into their Consideration, and being willing that mens very Conveniencies be preserved unto them, from which in this case they need not depart but by their own default have Enacted and ordained, and it is by the Governour Council and Burgeses of this Grand Assembly and the Authority thereof, enacted and ordained; That it shall not be lawful for any Person whatsoever to take up any Marshes swamps or sunken Lands adjoining to any mans Land, but shall first give notice to the Owner or owners of the Land to which it adjoineth, who shall have one years time to resolve whether he or they will take up the same or no, and in Case at the Expiration of that term the owner or owners of the Land adjoining to the said

*who may take up Swamps, Marshes or sunken Lands.*

*The method to  
be followed in  
that case.*

said Land *Marsh or Swain* shall then refuse to survey and Patent the same. It shall then be lawful for the first person who gave notice as aforesaid to survey and Patent the same according to Law.

## X.

*An Act declaring mens Notes how far pleadable against their Estates if dead.*

## XI.

*Notes pleadable  
after Decease of the  
Party.*

*A proviso in  
that Case.*

Whereas it hath been Controverted whether Notes, charged on persons by a Man in his life time are pleadable after his decease for Determination whereof, the Governour, Council and Burgeses of this Grand Assembly, have Enacted and Ordained, and by the Authority aforesaid, It is Enacted and Ordained, That all such Notes shall be pleadable if by Comparing of hands or otherwise it shall appear to have been the *Act* of the Decedent, and the person who claimeth make Oath of the Justice thereof; And that he hath not received satisfaction for the same or any part thereof. Provided alwayes it be sued for within Twelve Months after the Parties decease, and within three years at most after the Date of this *Act*.

At a Grand Assembly held at JAMES  
CITY, the 20<sup>th</sup> Day of October,  
Anno 1673

I. An

I.

An Act for the Establishing the Dowers of Widdows.

**W**Hereas many Doubts have arisen concerning the Estates of persons dying intestate, and of what part thereof ought to appertain to the Widdow, for the Clearing whereof, Be it Enacted by the Governour, Council and Burgeses of this Grand Assembly, and the Authority thereof, that where persons dye intestate, the Widdow shall be endowed with the third part of the real Estate to be equally divided as to Housing Fenced Grounds, Orchards, Woods and other valuable Conveniences during her natural life. And the third part of the Estate personal, if there be but one or two Children; But if there be any number of Children more how many soever in that Case, the personal Estate to be divided amongst the widdow and all her Children, share and share alike. And in Case the Husband make Will, that he hath it in his power to devise more to his wife than is above determined, but not less.

*Intestate Estates.*

*Widdows shall be endowed with the third part of Estate Real.*

*The provision for Children in such Cases.*

II.

An Act providing for the supply of Arms and Ammunition:

**F**Or the better supply of the Countrey with Arms and Ammunition, Be it Enacted by the Governour, Council and Burgeses of this Grand Assembly, and the Authority thereof



Captains of  
Foot and Horse  
to take an ac-  
count of what  
Arms and Am-  
munition are  
wanting.

an Account  
thereof shall  
be given to  
the County-  
Courts.

Officers neg-  
lecting their  
duty therein  
to be Fined.

Levies to be  
raised by Coun-  
ty-Courts for  
providing of  
Ammunition  
in their Re-  
spective Coun-  
ties.

What Am-  
munition shall  
be provided.

thereof, that the Captains of Foot and Horse in each Countie do take a strict and particular account of what Arms and Ammunition are wanting in their severall Companies and Troops, and represent the same to their Respective Colonels at the next Countie-Court, after *January* next; But if there be not any Collonel of Horse within their Countie, then the Captain of Horse to represent the said wants immediately to the Countie-Courts, unto which Courts at the next Sessions following, the Colonels aforesaid are by this *Act* enjoyned to return and represent the wants of the *Militia* in their said Counties, as they shall receive the same from their subordinate Officers aforesaid, and if any Captain of a Foot Company or Horse, or Collonel of any Regiment shall fail, to perform his or their duty herein, shall be fined namely every Captain One Thousand Pounds of Tobacco; And Collonel Two Thousand Pounds of Tobacco; And be it further Enacted by the Authority aforesaid, That the particular Countie-Courts be impowered upon their Respective Counties, to raise and lay a Levy for the providing of Arms and Ammunition for supplying the wants aforesaid, That is to say, Muskets and Swords for the Foot, and Pistols, Swords & Carabines for Horse; And also for every Listed Souldier at the least Two Pounds of Powder, and six pounds of Shot. The said Arms and Ammunition by the Courts, provided, as aforesaid, to remain in the hands of the Officers of the *Militia*, for them to distribute the same as there shall be occasion, and that those to whom distribution of Arms and Ammunition shall be made do pay for the same at a Reasonable Rate, to be Collected by the Sheriff or Collector as in Case of Levies and publick dues to the use, and towards the Reimbursement of the Counties. And if any Court or Courts shall fail in their duties to provide within one year after such presentment made by the Officers of the *Militia* aforesaid of their wants aforesaid for the full supplying thereof in manner aforesaid, they shall be fined ten Thousand Pounds of Tobacco to be paid as also the other Fines imposed by this *Act* to the use of the Respective Counties, and that the Burgeses of the severall Counties be required, and are hereby enjoyned to give an account unto the *Assembly* how this *Act* is put into Execution.

the better supply of the County with Arms and Ammunition it is enacted by the Governor and Council that the County Burgeses shall be required to give an account thereof to the Assembly.

III. An

III.

An Act for the better putting into execution  
the Act for Processions.

Whereas it hath been Represented to this Assembly  
that the Act for Processions hath been hindered to  
be put in Execution for that the ascertaining the Bounds of  
Orphans Land is not thereby provided for, Be it therefore En-  
acted by the Governour, Council and Burgeses of this  
Grand Assembly, and the Authority of the same, that  
the Lands of the Orphans be also Comprized in that Act that  
is to say, when difference shall happen to arise concerning  
the Bounds of Orphans Lands, and that the said differences can-  
not otherwise be determined, nor the bounds of the adjacent  
Lands discovered, that then such Orphans Lands be layed  
forth by two honest able Surveyers in presence of the Neigh-  
bourhood, and two such men as shall be appointed by the  
County Courts, on the behalf of the Orphan and the charge  
thereby accruing, sustained in manner following, viz. The  
Orphan to pay one half of the Survey of his own Land,  
and the Owner or Owners of the Land adjacent whose  
bounds are thereby also ascertained the other half and the  
whole charge of surveying his or their Lands.

Processions  
shall be consi-  
nued.

The Bounds of  
Orphans  
Lands, to be  
layed forth and  
by whom.

IV. An

## IV.

## An Act for the Advancement of the Manufactory of Flax and Hemp.

Forasmuch as it much conduceth to the well being of any Country that the necessities thereof be supplied from their own Industry within themselves; And that the less they have occasion for from abroad the less will be depending on forreign supplies, whereof the Calamity of War and other Accidents may prevent them. And whereas this Assembly having taken into their Consideration the low and contemptable price, we are allowed for our *Tobaccoes* occasioned chiefly by the great quantities yearly made, have thought fit if it may be to abate that quantity by advancing the more useful and necessary Manufactory of Flax and Hemp; And in order thereunto have Enacted and Ordained, And it is by the Governour Council and Burgeses of this Grand Assembly, and by the authority of the same, Enacted and Ordained; That the Respective County-courts within this colony do at the cost and charge of their Counties at or before the twentieth day of *October*, which shall be in the year 1675. procure one quart of Flax seed, and one quart of Hemp seed for every tythable Person within their Counties and the same cause to be distributed among the Inhabitants, and that the courts failing to procure the said Flax seed or Hemp seed, and thereof to make Distribution in manner as aforesaid; be fined five thousand pounds of *Tobacco*: And be it further Enacted by the Authority aforesaid, that every tythable within this Country the next year after the Distribution do make or cause to be made one pound of drest Flax, and one pound of drest Hemp, or two pounds of either, and so yearly and every year under the Penalty of sixty pounds of *Tobacco*, for every pound of Flax or Hemp neglected to be made as aforesaid, The same to be made by such Master owner

Provision  
made for the  
Manufactory  
of Flax and  
Hemp.

One quart of  
Flaxseed and  
the like quan-  
tity of Hemp-  
seed shall be  
distributed to  
every tythable  
Person in each  
County.

One Pound  
of Dressed Flax  
or Hemp to be  
yearly deliver-  
ed, for every  
quart of seed



owner or overseer of any Family or Company of Servants, or any other tythable that shall be found defficient in the Premisses, and for the better discovery of such neglect and difficiency, that all Masters owners or overseers who have the charge of Families, Companies of Servants and other tythables at the time of laying the Levies in their Counties, do produce unto those Persons who are appointed to take the lists of tythables in each county the said quantity of Flax or Hemp, or either of them by this act enjoyned to be made, and the same deliver'd upon oath that it is of his or their own growth.

**V.**

**An Act concerning Tradesmen and other Artificers to pay Levies.**

**F**OR Explication of the Laws which have seemed to Exempt Artificers, &c. from paying Levies: Be it Enacted by the Governour Council and Burgesses of this Grand Assembly, and by the Authority thereof, that no Tradesmen Merchants, nor any Artificers whatever above the age of fifteen years be exempted for the future from payment of levies, any Act Custom, or usage to the contrary notwithstanding.

*All Merchants  
Tradesmen &  
Artificers, above the age of 16 shall pay Levies.*

**At a Grand Assembly held at JAMES CITY, the Twenty first of September,**

*Anno 1674.*

**Ccc**

**L An**

**An Act for an Address and Supplication to be made to the Kings most excellent Majesty.**

*An Act for an Address and Supplication to his Majesty.*

**W**Hereas this Grand Assembly are deeply sensible of the many and grievous Pressures that are dayly growing, and still likely to grow, and be imposed upon the Inhabitants of this his Majesties Colony of *Virginia* by certain **Lords Patentees** who under Colour and pretence of promoting the good of the Colony, and augmenting his Majesties Revenues, have obtained certain Letters, Patents, and grants derogating and in prejudice of many Royal Concessions and grants from time to time granted by his Majesty and his royal Progenitors, in favour to this Colony all which may be justly feared, the said Lords by their Deputies and Ministers will endeavour to make void, and of none effect by imposing new rents and Services altering the form of our Tenors, compelling us to new Surveys and new Payments, imposing fines and Compositions on Surplusage Lands and Lapses at their will and pleasure by Nominating of Sheriffs, Escheators Surveyors, and other Officers and in effect devesting the Government of those just Powers and Authority by which this Colony hath hitherto been kept in Peace and Tranquillity, and all mens rights and Properties preserved unto them; and whereas the said Grand Assembly on great Deliberation have considered by what convenient way and means these Grievances might be removed, how our Liberties Priviledges, immunities, rights and Properties might be had, made and established to us and our Posterity, have thought fit that an humble Address and Supplication be made to his Sacred Majesty by this Grand Assembly in the name of this his Majesties most Loyal Colony; setting forth as well by what Legal Grants and Concessions his Majesty and his Royal Progenitors have from

from time to time been graciously pleased to indulge this Colony the grievous Pressures likely to grow on us, by reason of the late Grants to the Lords; That his Majesty would graciously please to Revoke the said Grants to the Lords, and for securing us from our fears in time to come, of being removed from his Majesties immediate Protection, To confirm our Liberties, Priviledges, Immunities, rights and Properties as aforesaid by his Majesties Royal Charter, & that certain Gentlemen in whose honour integrity & Care for promoting the good of this Country; this Grand Assembly have a just Confidence, be desired to Address themselves to his Majesty in the name of the Grand Assembly and Negotiate in England all other publick affairs of this Country, and because it is manifest that a work of this Nature is not to be undertook nor effectually prosecuted without money, and that we be not imprudently wanting to our selves, in a matter of so great Importance this Grand Assembly have thought fit that a sum of Money be raised, of and from the Inhabitants of this Country, to be used and Employed towards the Accomplishment of the ends and Purposes aforesaid; Be it therefore Enacted by the Governour Council and Burgesses of this Grand Assembly, and the Authority thereof, that fifty pounds of Tobacco besides Cask and Sallary be Levied from every tythable person within this Colony this present year, and fifty pounds of Tobacco besides cask and Sallary the next year, and that this be disposed to several Undertakers at the rate of Eight Shillings per Cent. for producing Money as aforesaid, and Accomplishing the ends and Purposes aforesaid, in manner and Form following, viz. The Fifty pounds of Tobacco to be Levied this present year in the Counties of York, New-Kent, Gloucester and Middlesex be paid to the several Undertakers of those Counties, at eight Shillings per Cent, by the Sheriff or Collectors of those Respective Counties; They paying double the money this present year, That Fifty pounds of Tobacco per Poll doth amount to at Eight Shillings per Cent. and to accept of their full Compensation of their present disbursements, Fifty pounds of Tobacco per Poll, of the same Counties aforesaid, the next year, and that the Undertakers for the rest of the Counties in Virginia pay no more money than Fifty pounds of Tobacco doth amount to, at Eight Shilling per Cent. this present year to be paid them by the Sheriffs or Collectors of those Counties aforesaid, and the like sum of money next year upon payment made to them of fifty pounds of Tobacco

Levies to be made for carrying on the same.

How to be raised.

per



*per Poll.* and ordered them to be Levied, and that all Sheriffs and Collectors who have the charge of those Payments to the Undertakers, be and are hereby strictly required to cause Payment to be made of the best *Tobaccoes*, and as convenient as may be: Provided alwayes, that if no Undertakers do present themselves for any of those remaining Counties, that then the Respective County-courts are hereby required and commanded to Ship the *Tobaccoes* within the Counties for *England*, and consign it to sufficient Merchants, and to cause the neat produce of it to be paid unto Mr. Secretary *Ludwel* and Colonel *Daniel Park*, for the Account of the Grand Assembly of *Virginia*: And be it further Enacted by the Authority aforesaid, that the money which shall be found due on the ballance of the Account of the two Shillings *per Hogshead*, be also remitted into *England*, to the Order of the Grand Assembly as aforesaid, And whereas this Grand Assembly are also sensible by the lowness of the publick Revenue, that money may yet be wanting for the advance and carrying on this most necessary work; Be it also further Enacted, by this Grand Assembly and the Authority thereof, that seventy pounds of *Tobacco* *per cause* in the general Courts, and fifty pounds of *Tobacco* *per cause* in the County-courts shall be amerced in the name of the Penalty, upon every Person that shall be cast in any suit except in Action of debt, in which if any be cast, he or they so cast as aforesaid, shall be Amerced in the general court Fifty pounds of *Tobacco*, if in the County-court thirty pounds of *Tobacco*, and in case of appeals double, Provided nevertheless that all causes of Orphans be out of this clause of amercements utterly excused and foreprized, and be it further Enacted by the authority aforesaid, that the clerks of the county-courts give account of the said amercements and of all fines arising on Penal Laws at the raising of the Levy, when the courts are to deliver them to the Sheriffs, and the Sheriffs be, and hereby are authorized and enjoined to collect and distrain for the same, as in case of Levies, and the courts are hereby authorized and empowered to dispose of the *Tobaccoes* to the best advantage of the country, and be accountable to the Grand Assembly for the Uses aforesaid, and that this clause of amercements be of force the next court after Publication hereof in each county, and so remain until the next Assembly, and no longer, unless it be thought fit to continue it.

## II.

## An Act Ascertaining allowances for evidences summoned to the General Court.

Whereas it hath been Considered that the allowance which the Law hath formerly given to witnesses who are often summoned from remote places, to give in evidence at the General Courts, is too little. As also for their attendance and expence in town; Be it enacted by the Governour, Council, and Burgesses, of this Grand Assembly, and by the Authority thereof, that thirty pounds of Tobacco *per diem* be paid to such witnesses as come to James City twenty miles and upwards; and that all witnesses have sixty pounds of Tobacco *per diem* for their expences the time of their attendance there.

thirty pound of Tobacco *per diem* allowed to witnesses that come 20 miles, and upwards to James City, & 60. pound *per diem* during their attendance there.

## III.

## An Act prohibiting the Justices of the several County-Courts, for Levying Tobaccos upon the People for their accomodations and expences whilst they are keeping Court.

Whereas it hath been Complained of, to this Grand Assembly, that it hath been the frequent practices of some of the Justices of the several County-Courts of this Country at the time of Laying their Levie to assesse upon

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the People of their respective Counties, certain summes of Tobacco for the paying and Satisfying their expences and accomodations whilst they are holding Courts, and attending thereupon, which practice is by the Grand Assembly adjudged illegal, be it therefore enacted by the Governour, Council, and Burgeses, of this Grand Assembly, and by the Authority thereof, That no County from henceforth pay or allow for accomodation of the Justices, at their County-Courts, any Order usuage or Custom to the contrary notwithstanding.

## IV.

*An Act Commanding such Indians who keepe Hoggs to mark the same.*

**W**Hereas Complaint hath been made that divers the inhabitants of this Countrey have received mischief by the Indians in their Stock of Hoggs, against whom rarely any Legal proof can be produced to discover and Convict them; Be it therefore enacted by the Governour, Council, and Burgeses, of his Grand Assembly, and the Authority thereof that Indian proof as well as other legal proof shall from henceforth be good against all such Indians to Convict them on the Act against Hoggs stealing; And that those of the Indians who keepe Hoggs, do and hereby are enjoyned and required to give such a particular mark for that town where they live, as shall be appointed by the adjacent Counties.

*The Hoggs of Indians shall be mark'd with a Particular mark signifying to what Town they belong.*

V. An



V.

An Act Impowering Feem Coverts to make good acknowledgments of Sales of Land.

Whereas the Legal way in England in passing Estates where the Inheritance in a Feem Covert Is by way of fine and recovery. And it being the usual way in this Countrey for many years, we having no fines and recoveries, that Sales have been made by the Husband and wife of the Inheritance, of the wife by Conveyance, from them and the said Conveyance acknowledged in the General or County-Courts, by the Husband and wife; The Wife being first privately examined by the Court whether she acknowledgeth the same freely, but there being no Act of Assembly to Authorize the same; Be it therefore enacted by the Governour, Council, and Burgeses, of this Grand Assembly and by the Authority thereof; that all such Sales and acknowledgements, That by Husband and Wife have at any time hertofore been made in manner and form as aforesaid, or shall hereafter be made shall be good and effectual against the said Husband and Wife, their and every of their heirs and Assignes. And against all other Persons Clayming by from or under them or any of them; and that to all Intents and purposes: As if the same had been done by fine or Recovery or by any other wayes whatsoever.

*All Sales and acknowledgements that are made by Husband and wife to stand good in Law,*

At a Grand Assembly held at JAMES CITY, the 7<sup>th</sup> Day of March, Anno 1676.

I. An.

## I.

*An Act for the Safeguard and defence of the  
Country against the Indians, Vide  
Act the 1<sup>st</sup>. Anno 1679.*

## II.

*An Act prohibiting trade with Indians  
Vide Act the 3<sup>d</sup>. Anno 1677. and Act  
8. Anno 1680.*

## III.

*An Act prohibiting the exportation of  
Corne, &c.*

**W**Hereas the Countrys preparation for war in all  
likelyhood may cause a more then ordinary ex-  
pence of Provisions; It is therefore thought fit it be en-  
acted, and it is by the Governour, Council, and Burges-  
ses, of this Grand Assembly, and Authority thereof, en-  
acted,

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*the* LAWS of VIRGINIA. 197

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acted and Ordained that no Corne or other Provision from and after the fifth day of *April* next shall be exported out of this Colony under the penalty of two hundred pounds of *Tobacco* for every *Barrell* of Corne, and double the price of any other provision, to be paid by the party exporting it. Provided nevertheless that it shall and may be Lawfull, for those who have already laden any Corne or Provisions on board, and have purchased others to lade the same within the time afore limited, but not afterwards, and the same so laden to export without Impeachment, any thing in this Act to the Contrary notwithstanding. And it is further enacted, That this restraint Continue till the last day of *July* next, and no longer, unless the honourable Governour think fit to Continue the Restraint.

*No Corn shall be exported under penalty of paying 200. pound of Tobacco, for every Barrell thereof and twice the price of other Provisions.*

*The terme this Act shall continue in force.*

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At a Grand Assembly held at JAMES CITY, the fifth of June, Anno 1676.

ALL the Acts and Orders of this Assembly are Repealed, made Void and Null by His most Sacred Majesties Instructions and Proclamation; And also by the fourth Act of Assembly, bearing date at *Green-Spring* the twentieth of February, Anno 1677.

At a Grand Assembly begun at Green-Spring, the Twentieth of February, Anno 1677.

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An Act of Indemnity and free Pardon, Repealed by his Excellencies Proclamation, Anno 1680.

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II. An



## II.

*An Act of Attainder, Repealed by his Excellencies Proclamation, Anno 1680.*

## III.

*An Act inflicting Pains, Penalties and Fines upon great Offenders, Repealed by his Excellencies Proclamation, Anno 1680.*

## IV.

*An Act Declaring all the Acts, Orders, and Proceedings of a Grand Assembly held at James City in the Month of June, 1676. Void, Null, and Repealed.*

**W** Hereas Nathaniel Bacon the younger in the Month of June, 1676. Whilst the Governour, Council and Burgeses were met and Convened together at a Grand Assembly, to Consult the great Concerns of the Countrey, did enter James City in a Rebellious manner, with a considerable

considerable number of Armed Men, to the number of six hundred, or thereabouts, Environing and Besieging the Governour, Council and Burgeses, and offering force and violence to them, and every of them, threatenng them with suddain death, if they would not grant his unreasonable, unlawful Rebellious and Treasonable Demands, and by his Threats and offered violence did obtain to himself whatsoever he so unlawfully demanded. And whereas the Kings Most Excellent Majesty, by his gracious Proclamation, and the Right Honourable the Governour by his Proclamation, hath long since declared all the Proceedings of the said Assembly to be void in Law; Be it therefore Enacted by this present Grand Assembly, and the Authority thereof, That all Acts, Orders, and Proceedings of the said Grand Assembly be Repealed, and made void and Null.

*All Acts of Assembly made during the Rebellion raised by Bacon, Repealed.*

V.

An Act for Relief of such Loyal Persons as have suffered Loss by the late Rebels, Repealed by His Excellencies Proclamation, Anno 1680. Vide Act I. 1680.

VI. An

## VI.

## An Act ascertaining the price of Cockquets.

**VV** Hereas Complaint hath been made to this Assembly, that for times past, there hath been usually taken and received several and divers Sums of Money from the Inhabitants of, and Traders into this Collonie, under the notion of Cockquet-money, in some places one penny per Hogshead, & in some places twelve-pence for each Cockquet, or several Bill of Loading for Tobacco shipped, or divers and sundry marks in one Bill of loading; and that there hath hitherto been no Law or Act of Assembly for the same; Be it therefore Enacted by the Governour, Council and Burgeses of this Grand Assembly, and the Authority thereof, and it is hereby Enacted, that from and after the publication hereof, the Rate and Price for every Cockquet be as followeth, viz. One half-penny per Hogshead for all such quantities and parcels as shall be contained in one Bill of loading or Entry, which shall not exceed the number of Twenty Hogsheads, and twelve-pence for every Cockquet, for all such quantities as shall be contained in one Bill of loading or Entry which shall exceed the number of Twenty Hogsheads, and no more shall be taken for each Cockquet although different marks shall be contained in one and the same Entry or Bill of loading. And be it further Enacted by this present Grand Assembly, and the Authority thereof, And it is hereby Enacted, that the Acts of Assembly, made in the year 1662. The Act made in the year 1666. and 1669. which allows the impost money of two shillings Per Hogshead to such Owners as dwell and reside in Virginia, be from henceforth Repealed, except onely to such Owners of Ships or Vessels as already have been built, or hereafter shall be built in Virginia, and shall wholly be long

One half-penny Per Hogs-Head payable for all Bills of Loading not containing above Twenty Hogs-Heads.

In Bills of Loading exceeding that number 12d. for every Cockquet.

A Repeal made of several Acts Relating to the payment of 2s. per Hogs-head Impost.



long *bona fide* to Owners residing in this Countrey; Provided alwayes that such Ships as are now within the Capes, and are wholly belonging to *Virginia-Owners*, be for this present Voyage free from paying the said Impost of Two Shillings, according to the intent and meaning of the afore-recited Acts. And be it further Enacted, that for the time to come there be no Fees taken for Vessels or Ships built in this Colony, and belonging wholly to the Inhabitants of this Countrey, other than two shillings six-pence for Entry, two shillings and sixpence for Licence to Trade, two Shillings and six-pence for clearing, and two shillings and six-pence for the Bond.

*what Fees are to be taken for Vessels built in this Colony, and belonging wholly to the Inhabitants thereof.*

## V II.

### An Act Limiting Masters dealing with their Servants.

WHereas several Complaints are made that divers and sundry Masters of Servants during the time of several their Servants servitude and more especially, some small time before the expiration of their service, do by indirect meanes make fundry and divers bargains and Agreements, to the Servants great Injury, hurt, and damage, who because of his Coverture is drawn in and often times necessitated to Comply with the avaritious tempers and unreasonable desires of such Masters; for the prevention whereof for the Future; Be it Enacted by the Governour, Council and Burgessees of this Grand Assembly, and the *Authority* thereof, That from and after Publication hereof, it shall not be lawful for any Masters of Servants, to make any *Bargaine* or Agreement with his Servant before the time of his first Service, by Indenture or Custome of the Countrey, is expired and fully ended, either for such Servants, Corne and Clothes, or

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other-

No Master shall make any Bargaine or Contract with his Servant before the full time of his service be expired, unless it be in the presence of, and with the approbation, of some Justice of the peace.

otherwayes, except the same be made and Confirmed betwixt such Master and Servant bargainning and agreeing in the presence and with the approbation and good liking of some one or more Justices of the peace in the Countie where such Master resides, upon the penalty of forfeiting to such Servant, such time of service as shall be due to the Master, at the time of making such Bargaine, otherwayes and in other manner then is herein set down by this Law, meant, and intended, and also all other advantages and agreements, contained, conditioned for, or included in such Bargaine or Agreement, whatsoever.

### VIII.

#### An Act Limiting times of Receipt and Payment of Publick Tobacco.

**VV** Hereas several persons have been and still are lyable to be prejudiced by the Remissness of Sheriffs and Collectors of the Publick, and County-Leavies, who often take advantagious times to demand and receive the publick Dues, and other Collections, for which they may in several Cases make seizure and distress; for prevention whereof for the future, Be it Enacted by this present Grand Assembly, and the Authority thereof; And it is hereby Enacted, That the 80th. Act of Assembly in the Printed Book of Acts, Limiting a certain time when Creditors shall demand their Debts, shall be interpreted and holden to extend to Sheriffs & other Collectors of the Publick, & Countie-Leavies, and of all other Sheriffs and Clerks Fees; And also that all publick Countie-Debtors and all Debtors of or for Sheriffs or Clerks Fees, may have the benefit and Liberty of the second Act of Assembly made in the year 1666. which admits

mits of Tenders of *Tobacco* to the Creditors according to the full intent, meaning or purport thereof; And be it further Enacted by this Grand Assembly, and the Authority thereof, That in Case of Collecting the publick or Countie-Dues or other Fees as aforesaid, any Sheriff or Collector shall at any time make seizure or distrels of more *Tobaccoes* then is at that time due from the Debtor; That in all such Cases, the person seizing shall make immediate satisfaction to the party from whom they shall make such seizure, or other-ways that he be allowed to take his *Over-plus Tobaccoes* out of the Hogthead so seized, and that no Sheriff or other publick Collector shall or may from or after the publication of this Act presume to make seizure of any Hogthead of *Tobacco* before that time paid away and marked; And if there be at that time other Merchantable *Tobaccoes* ready in such *Plantation* where such seizure was made, and which shall be offered and tendred by the Debtor. And be it further Enacted by the Governour, Council and Burgesses of this Grand Assembly, and the Authority thereof, And it is hereby Enacted, That the Justices holding Court, be by vertue of this Act for the time to come fully impowered to Commissionate and appoint the Respective Collector or Collectors of the publick, and Countie-Levies. And whereas Complaint hath been made that sometimes one and the same person hath officiated at the same time in the Office of Justice, as Justice of the Peace, and Clerk of the Countie-Court. which hath been found inconvenient for the prevention whereof for the future; Be it Enacted by this present Grand Assembly, and the authority thereof, That no person whatsoever shall be capable at the same time of being a Justice of the Peace, and Clerk of the County-Court, or being at one and the same time High Sheriff of the Countie, and County-Court-Clerks and for the greater ease of the Inhabitants of this Countrey, Be it enacted by this present Grand Assembly, and the authority thereof, And it is hereby enacted, that from and after the publication of this Act, it shall and may be lawful for the County-Court Clerk to depute the High Sheriff or Under-Sheriff of the Countie, to enter such actions as shall be brought to them or either of them; and that such Entry be held good in Law. And for the better guide of the County-Courts and more sure administration of Justice, be it enacted by this present Grand Assembly. and the authority thereof, That such of the Honourable Council of State as will please at any time to sit in any Court of Virginia shall and

*A Regulation of Seizures made of Tobacco due to the Publick*

*No person shall be Justice of the Peace or High Sheriff and Clerk of the County-Court at the same time.*

*The County-Clerk may depute the High Sheriff or Under-Sheriff to enter Actions.*



*Members of the Council of State, may sit in any Court in Virginia.*

*No person nor born in Virginia shall be capable of bearing any Office there, till they have dwelt three years in the Country, unless Commissionated by His Majesty.*

*Persons Convicted in England, shall be held incapable of bearing Office in Virginia.*

*Any two Justices of the Quorum, may sign probates of Wills and Letters of administration*

and may have equal vote with every Justice of the Peace, of or belonging to the said Court; and that such Councillour so sitting with the Court, be by the Clerk entred to sit there, and be equally liable and responsible with every other Justice of Peace for all such Acts or Orders of Court he shall at any time of such sitting with the Court, give Vote and assent to. And be it further enacted by this Grand Assembly, and the Authority thereof, and it is hereby enacted, that no person whatsoever not born in this Country from and after the publication of this Act, shall be capable of bearing any Office within this Colony of Virginia, whether Civil or Military, unless Commissionated by his Most Sacred Majesty, before such person have been dwelling and residing three years in this Colony. And be it further enacted by the Governour, Council and Burgesses of this Grand Assembly, and the authority thereof, and it is hereby enacted, that all such persons as have been Convicted in England or elsewhere, & are either now Residing or shall hereafter come into this Countrey, be for ever incapable of bearing any Office Civil or Military, within this his Majesties Colony of Virginia. And be it further Enacted by this present Grand Assembly, and the Authority thereof, that whereas the 64th. Act in the printed book, doth impower the County-Courts to grant probates and administrations, which probates and administrations are usually signed by the Right Honourable the Governour, which is not only burthensome to his Honour, but inconvenient to the Inhabitants, Be it Enacted, that from & after publication hereof, it shall and may be lawful for any two Justices of the Quorum in their Respective Counties, to sign such probates and letters of administration, and the same so signed shall be held and deemed good in Law, provided always that Certificates thereof be sent to Mr. Secretaries Office, as is provided by the aforesaid Act of Assembly.

## IX.

## An Act Repealing the Act allowing free Tythables to divers Persons.

**W**Hereas by several Acts of Assembly it is provided, that every Respective Councillor, and ten of his Family, shall be free from paying any publick or County Levies, and also that every Minister and six Tythables for their attendance at *James City* in General Court-times, and times of Assembly, be free from paying Levies; which Laws are found unequal and inconvenient; Be it therefore Enacted by the Governour, Council, and Burgeses of this Grand Assembly, and the Authority thereof; And it is hereby Enacted, that all former Laws relating hereunto, be henceforth Repealed; and that instead thereof there be annually paid and allowed out of the Moneys arising upon the Impost of two Shillings *per Hoghead* to the Councillors attending General Courts and Assemblies, over and besides the two hundred and Fifty pounds *Sterling* according to several Acts and Orders of Assembly, usually heretofore paid them, one hundred pounds *Sterling*, which together with the said two hundred and fifty pounds *Sterling*, makes in the whole three hundred and fifty pounds *Sterling*; and that all the said three hundred and fifty pounds *Sterling* to be annually paid as aforesaid, shall be distributed and proportioned amongst the several Councillors attending at General Courts and Assemblies according to their Attendance at the same proportionably; which distribution and proportioning shall be annually made by the right honourable the Governeur, and the several Councillors according to their

*Allowance to  
the Councillors  
attending at  
General Courts.*

G g g

attendance,

*Minister to have 5 pound allowed him for his Attendance on the General Court.*

*Who only are exempted from the payment of publick or County-Levies*

attendance, more or less, at General Courts or Assemblies. And be it further Enacted by this *Grand Assembly*, and the Authority thereof, that there be annually paid out of the said Impost money to such Minister or Ministers, as by the Right Honourable the Governour shall be appointed, and shall attend at General Courts or Assemblies, five pounds Sterling for their attendance, for every General Court or Assembly they shall attend; and that no Person or Persons heretofore tythable by any Law, Custom or usuage, be from henceforth exempted from paying publick or County-Levies, the Right Honourable the Governour and his Servants excepted, the Single Persons of every one of the Council, and also all Ministers benediced in this Countrey, and such Lane or Impotent Persons as either already are, or shall from time to time be ordered to be exempted out of the Lifts, by the County-courts where they dwell.

## X.

### *An Act Regulating Ordinaries, and the Prices of Liquors.*

*Not more than two Ordinaries in any one County, except in that where the General Court is held.*

**VV** Hereas the Multiplicity of Ordinaries in this Colony is found to be pernicious and hurtful to the Inhabitants; Be it therefore Enacted by the Governour, Council and Burgesses of this *Grand Assembly*, and the Authority thereof, and it is hereby Enacted, that from and after the Publication of this Act, there shall not be admitted, suffered or licenced, above two Ordinaries in any one County of this Colony at one time, except in that County where the general court shall be held; and that the power of



of granting Licences be in the Respective County courts, the Right Honourable the *Governour* being paid for such Licences according to former Laws in such cases; and that no Person be Licenced to keep Ordinaries, but such as are accountable, and will enter into sufficient bond to find and provide constantly for Travellers good Dyet, Lodging and horsemeat, and will rate and sell their Provisions and Liquors according to the rates and prices hereafter set down, and allowed by this Law, upon such Penalties and Forfeitures as shall be therein provided and inflicted, which Penalties shall be and belong the one half to the person or persons who shall inform of and sue for the same, and the other half to the County wherein the same shall be forfeited. And be it Enacted by this *Grand Assembly*, and the Authority thereof, that all Ordinaries selling Liquors, do demand or take no more for *Virginia* Drams, Strong Beer or Ale, then is set down in the Act of Assembly, made in September 1671. that the rate for Cyder and Perry, if boyled, be twenty pounds of Tobacco for one Gallon, and if Raw, eighteen pounds of Tobacco per Gallon; that the price of lodging be three pounds of Tobacco for one Night; that the price of Dyet, where the general court of Assembly is held, be twelve pounds of Tobacco each meal for the Master, and eight pound for the Servant; and in all other Ordinaries in the Countreys ten pounds of Tobacco each meal for the Master, and six pound for the Servant; that the rate of Horse-Pastorage be six pounds of Tobacco for one day and Night, and if housed, for straw and Hay eight pounds of Tobacco the day and night, and for Indian Corn after the rate of forty pounds of Tobacco per Bushel, and for Oats after the rate of sixty pounds of Tobacco per Bushel; and that all Ordinary-keepers be, and are hereby enjoyned to secure all Horses that they have charge of, from running away and being stoln, upon the Penalty of paying the charge of finding the Horse or Horses, or paying for them if lost; and that the Justices of every Respective Court, within this Colony be enjoyned in the Months of May and November, yearly to meet at their County-court-house, and assess and set the rates on all Liquors as are not herein mentioned, and rated according as the Marker price then rules for such Liquors; and that no Ordinary-keeper presume to advance and take for such Liquors so by the Justices rated above Cent per Cent Profit, upon the Penalty and forfeit of Ten-fold such Exactions, and over rates by them demanded or taken; and that all such Persons buying and Expending

What prices shall be paid at Ordinaries for Liquors, Diet and Lodging.

Horse-Pastorage, Hay and Oates.

Justices to appoint the prices of Liquors twice in the year.

pending at Ordinaries, who shall at any time pay greater rates, then is hereby allowed and set down, forfeit and pay for every such Payment, or Obligation for Payment, Five fold the sum so overpaid, and that all those County-courts neglecting to meet and assess the Rates and Prices as afore-said, be fined five thousand pounds of Tobacco and cask, all which fines shall come and belong the one half to the use of the County where such Forfeiture is made, the other half to him or them who shall inform of, or sue for the same.

## XI.

### *An Act disposing Amerciaments upon cast Actions.*

**W**Hereas by an Act of Assembly made in the year 1674. It was Enacted, that certain Amerciaments, therein set down, shall be paid upon Actions cast at Law, and that an account of such Amerciaments be returned to the Assembly to be by them disposed of; Be it therefore Enacted by this present Grand Assembly, and the authority thereof, and it is hereby Enacted, that the said Act be from henceforth Repealed, and that all Tobaccoes which have been received, and are become due by reason of the said Act of Assembly, and Amerciaments be paid and disposed to the use of the Counties, where the same became due, towards the Defraying of that Countys-charge, and that the severall Respective County-Courts enquire into the same, and dispose of them accordingly.

*Amerciaments  
upon Actions  
cast at Law,  
repealed.*

## XII. An

XII.

An Act concerning Servants who were out in Rebellion, Repealed by his Excellencies Proclamation, Anno 1680.

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XIII.

An Act for the laying of Parish Levies.

For the better and more equal laying of Parish Levies and dues, be it Enacted by the Governour, Council and Burgeses of this Grand Assembly, and the authority thereof, and it is hereby Enacted, that the Freeholders and House keepers, in each Respective County, shall and may after Publication hereof have Liberty to choose six able discreet House-keepers, or Freeholders to sit with the Vestry, and have their equal Votes, with the other Vestry men at the assessing the Parish Taxes, and where the Parishes shall either refuse or neglect to choose such men, or being chosen they shall not appear and attend the time appointed, by the Vestry for assessing the same, having had Notice thereof by Publication at the Court or Parish Church, the Vestry to proceed without them, and that there be a day nominated and appointed annually in September, by the Eldest Justice in Commission in the Parish for such Election as aforesaid, and in case no one Justice shall reside in that Parish, then the day to be Nominated and appointed by the Judge of the Court.

*Six able house-keepers may assist the vestry in the assessing of Parish Taxes.*

Hhh

XIV. An



## XIV.

*An Act Repealing the Act of Encouragement  
for killing Wolves.*

*Particular  
Counties Au-  
thorized to  
make by-Laws  
for the killing  
of Wolves.*

**B**E it Enacted by the Governour, Council and Burgesses of this Grand Assembly, and the Authority thereof, that all Acts giving Encouragement for killing of Wolves be Repealed, and that in place thereof, there be Liberty granted to each Respective County to make such By-Laws for Encouragement of killing Wolves, as they shall think fit.

## XV.

*An Act giving Seven Years time to seat Fron-  
tier Lands.*

**W**Hereas by reason of the late Murders Comitted by Barbarous *Indians*, which they continue daily to commit, and also by reason of the frequent Incurfions, and the

the late destructions and troubles amongst us, very many of the Inhabitants of this Countrey, his Majesties Leige People have been inforced to forsake their Plantations, and leave their Lands uninhabited, especially in the Frontier Counties; Be it therefore Enacted by this present Grand Assembly, and the Auctority thereof; and it is hereby Enacted, that all Lands or Tracts of Land forsaken or uninhabited by reason of the Incurfions of the *Indians*, and the late troubles and distractions amongst us, shall not lie desart by want of due Seating, and planting such Lands, in less time then seven years from the date of this Act. And that for the time to come, seven years time be allowed from the date of this Act, for the Seating and planting such Lands as are already taken up, and patented in the frontier Counties of this Colony.

*Frontier Counties to be planted and inhabited.*

## XVI.

### An Act Regulating Burgesses Expences.

Whereas by former Acts and Orders of Assembly, it is provided, Enacted and Ordered, that the Allowance to every respective Burgess for his necessary Expence and charge, attending at Assemblies, be for every day one hundred and Fifty pounds of *Tobacco*, over and besides the necessary charge and expences of his coming to, and returning from the Assembly, and also the inavoidable cost and necessary charges of his waiting Servant and Horses, is complained of as grievous and burthensome to the people: This Assembly having taken the same into their serious consideration, Do enact, and Be it enacted by the Governor, Council, and Burgesses of this grand Assembly, and the authority thereof, and It is hereby enacted, That for the time to come, the allowance to each and every respective

*What Allow-  
ance Burgeses  
shall have du-  
ring their at-  
tendance at the  
Grand Assem-  
bly.*

ctive Burgeses which shall attend at any Assembly hereafter to be called, be one hundred and twenty pound of *Tobacco* and Cask *per day* ; and for such allowance to commence and begin two days before the first day of every Assembly, and two days after, for convenient time for every Burgeses to return home. And to prevent the great charge and abuse that may accrue by Burgeses coming to Assemblies by Sloops and Boats, Be it enacted by this present Grand Assembly, and the authority thereof, and it is hereby enacted, That over and above the one hundred and twenty pounds of *Tobacco per day*, allowed to each Burgeses for his expence, there be allowed for the charge of a Sloop, two men to sail the said Sloop, and their provisions, for the two Counties of *Northampton* and *Accomack*, sixty pounds of *Tobacco per day*, and no more ; and that the charge of a Boat, two men to row, and their Provisions, bringing such Burgeses as can come none other way but by water, be thirty six pounds of *Tobacco per day*, and no more ; and that the charge for Horse-hire for such Burgeses as come by land, be ten pounds of *Tobacco per day*, for each Horse so used ; and that their unavoidable charge, and payments for passage by Ferry over the Rivers, in their coming to Assemblies, & returning home, be also allowed them. And be it further enacted by this present Grand Assembly, and the authority thereof ; And it is hereby enacted that if emergent occasion shall require that an Assembly be called, before there are houses of entertainment built, that then those Burgeses that must of necessity come by water in sloopes, have the same allowance with the Eastern Shore, Burgeses and those other Burgeses who must necessitously use Boats to bring their Provisions and other necessaries, and that for the time to come no expence of Committees be allowed of, or brought to the publick account.



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XVII.

*An Act for opening Courts of Judicature.*

**VV** Hereas by reason of the late horrid Rebellion all Courts of Judicature have been shut up, and the rightful and due course of Justice could not possibly be taken and administred: Be it therefore enacted by this present Grand Assembly, and the Authority thereof, that from and after the date of this Act, all Courts of Judicature may be opened; and that the Respective Justices of the several County-Courts do assemble themselves together, and hold Courts according to the Laws, and according to the usual manner, and Custom of the Countrey, at the usual places and days appointed by Law; or by them accustomed to be held, that Justice may again be freely exercised, and done in all cases where it shall be required.

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*At a Grand Assembly begun at Middle-Plantation, October the Tenth, Anno*  
1677.

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## I.

## An Act imposing Fines upon Delinquency of Grand Juries.

*Fines laid on  
Justices of  
Peace for neg-  
lecting to Im-  
panel Grand-  
Juries.*

For as much as the thirty eighth Act of Assembly in the Printed Laws, directing and commanding that Juries of Inquest be Impanelled and Sworn in every Countie, to the ends and purposes therein mentioned, is by reason there is no Fine set upon the Justices neglecting to appoint and swear the same; Nor upon the Jurors not making due enquiry and Presentment according to the true intent and meaning thereof, become generally neglected and unexecuted; Be it Enacted by the Governour, Council and Burgesses of this Grand Assembly, and the Authority thereof, and it is hereby enacted, That the Justices of Peace of each Countie of *Virginia*, neglecting and omitting once every year before or upon the last day of *April*, to make Choice of and swear a Jury of Inquest, according to the true intent and meaning of the before Recited Law, shall be Fined for every such omission Two Thousand Pounds of *Tobacco*, the one half to the Informer, and the other half to the Counties use; And each Jury of Inquest not making appearance at the time appointed in the Law, or not making Inquest and Presentment according to the intent and meaning thereof, shall be Fined, each Juryman making such default, Two Hundred Pounds of *Tobacco*, the one half of which Fines to be paid to the Informer, and the other half to the use of the Counties for each such default whereof they shall be lawfully Convict.

II.

An Act Prohibitting private Compositions.

FOR as much as very many Complaints have been made of the unreasonable Compositions made by divers persons for Trespasses done in time of the late Rebellion, for prevention whereof for the future, Be it Enacted by the Governour, Council and Burgeses of this Present Grand Assembly, and the Authority thereof, And it is hereby Enacted that for the time to come, no Composition shall be made with any person whatsoever, for any Horses, Boats Arms, Cattel, Hoggs, Sheep, Goods or any other matter or thing whatsoever, plundered or taken from them in the late Rebellion; But such only as shall be made and acknowledged in open Court, and that each Court be, and are hereby required, to take Cognizance of such Compositions, and see that they are not oppressive; and whatsoever Agreement or Composition shall be otherways made, or any Bill or Obligation taken for such Compositions, to be Null and Void; And be it further Enacted by this Present Grand Assembly, and the Authority thereof; And it is hereby Enacted, That all such persons who for the time to come, shall bring their Suits; in any Court of Record for any *Trespass* or *Trespasses* Committed in time of the late Rebellion, shall before their Suits shall be admitted ascertain, and prove their whole loss or claim for the *Trespass* done at that time or times for which they shall bring such account, and also give their account upon their Oaths, if the same shall be required, of what Goods have been returned, what recovered by Law, and what Composition they have made for the same or any part

*Compositions Relating to Damages, received in the late Rebellion, to be made and acknowledged in Court or else to be invalid.*



Persons pro-  
voking others  
by aggravati-  
ons or terms  
of distinction  
fined four  
Hundred  
Pounds of To-  
bacco.

part thereof, to the end it may be known when such claims or suits may have end. And for as much as divers ill-disposed persons do frequently notwithstanding the Late *Act* of *Assembly*, requiring the Countre not to renew the Quarrels Breaches and Heart-burnings amongst us, in using by-names and terms of distinction, *viz.* *Traitor-Rebel*, *Rogue-Rebel*, or such like, by which means it will be impossible ever to unite this Colony to its former estate of love and friendship, though wished for, and desired by all good people, Be it Enacted, by this Present Grand *Assembly*, and the *Authority* thereof, and it is hereby Enacted, that whosoever shall presume to use any such aggravations or terms of distinction as aforesaid, and shall be thereof lawfully convicted, shall for every such Offence forfeit and pay Four Hundred Pounds of *Tobacco* to the use of the Parish where such Offence shall be committed; and whereas on the other side, divers insolent persons who have been deeply concerned in the late Rebellion, will and do notwithstanding their guilt, presuming upon the gracious pardon granted by his Majesty, with unseemly and offensive Language urge and provoke those who have been Loyal and great sufferers in those late unhappy times, to utter in their passion such words as otherwise they would not do, both which being highly esteemed injurious and prejudicial not only to his Majesties Peace, but also to the desired Unity of this Colony, Be it therefore Enacted by this Present Grand *Assembly*, and the *Authority* thereof, And it is hereby Enacted, that whosoever shall at any time offer such provocation, by any Language to any Loyal Person whatsoever, as shall by the Court, where the same shall be complained of, be adjudged a sufficient provocation for retorting bad language, such person using such provocations be also Fined, and pay Four Hundred Pounds of *Tobacco*, and *Cask* to be disposed of by the *Vestry*, to the use of the Parish where such Offence shall be Committed.

III.

An Act Licencing Trading with Indians.

FOR as much as the total prohibition of Trading with Indians, is experimented and found hurtful and prejudicial to this his Majesties Colony, and the Inhabitants thereof, Be it Enacted by the Governour, Council and Burgeses of this Present Grand Assembly, and the Authority thereof, and it is hereby Enacted, that all Indians whatsoever being in amity and friendship with us, from henceforth shall have free and full liberty to come in amongst us, and bring in any Commodities whatsoever to the places, and at the respective times hereafter mentioned, and to Trade with, sell, or Truck for the same, with the English resorting thither, but no where else for any Commodities whatsoever; and that such Marts or Fairs continue twenty days, and no longer, that is to say, that the Publick Marts or Fairs for James River be the one where the Justices of Peace in Henrico-County, being met and set in Court, shall appoint and nominate, and the other for the south-side of James River to be at the Isle of Wight County-Court-House, the beginning of which Marts or Fairs at the head of James River to be the first day of April, and the first day of September, every year; the beginning of the Marts or Fair for the south-side of James River to be the tenth day of May and tenth day of November yearly; the place for the Mart or Fair in York-River to be appointed and set down by the Justices of Peace in New-Kent County, being met and sat in Court, the beginning of which Mart or Fair to be yearly the tenth day of April, and tenth day of September; the place for the Mart or Fair in Rappahannack River to be appointed, and set down by the Justices of Peace in Rappahannack County being met, and set in Court, the

Trade permitted with the Indians.

At what places and times Marts or Fairs shall be held for Trade with the Indians.

How long such Marts or Fairs shall Continue.

K k k

begin-

ginning of which Mart or Fair to be yearly the twentieth day of *April*, and twentieth day of *September*; the place for the Mart or Fair in *Potomack-River* to be appointed and set down by the Justices of Peace in *Stafford-Countie*, being met and set in Court, the beginning of which Mart or Fair, to be yearly the thirtieth day of *April*, and thirtieth day of *September*; the place for the Mart or Fair in *Accomack-County*, to be appointed and set down by the Justices of Peace in that County, being met and set in Court, the beginning of which Mart or Fair to be yearly the tenth day of *March*, and tenth day of *September*; the place for the Mart or Fair in *Northampton-Countie*, to be at that Courts appointment also, the beginning of which Mart or Fair, to be yearly the tenth day of *May* and tenth day of *November*, and if any of those days shall happen to fall upon a *Sunday*, then such Mart or Fair which shall so happen to fall upon a *Sunday*, shall begin the next day following, and whosoever shall truck trade, or deal with any *Indian* or *Indians* whatsoever, at any other time or place then is herein mentioned and set down shall forfeit and pay for every such offence, five thousand Pounds of *Tobacco*, the one half to the Informer, and the other half to the use of the Publick; always provided, that the dues belonging to the Right Honourable the Governour be reserved as formerly; and to the intent, that there may be books kept of what is bought and sold, Trucked, Traded, & dealt for in such and every the Respective Marts and Fairs, that the Clerk of the County-Court, where such Mart or Fair is held, or such other whom the Right Honourable the Governour for the time being shall appoint the Clerk thereof, and take account and place the same in fair writing in a book, of all what is bought, sold, Trucked, Exchanged, or dealt for, and for his fee it shall be lawful to have, receive and take to himself, the one twentieth part of all *Indian* Commodities, there Sold, Trucked; Traded or Dealt for.

Provided always, that it shall and may be lawful for any *Indian* wanting Corn, until such respective marts or fairs at the severall respective places shall first begin, but not after that time to buy, such *Indian* Corn as they shall have need of, from any Person, or at any place where they can buy the same, any thing in this Act to the contrary notwithstanding.

Provided also, that the *Wicacommico* *Indians* living in *Northumberland County*, and the *Chies-Lake-Indians* living in *Glocester County*, to have such Liberty and rules for their

Penalty upon  
such as shall  
Trade with  
Indians, at o-  
ther places  
or times  
than is herein  
specified.

Accounts to  
be taken by  
the Clerk of  
the County,  
or whom else  
the Governour  
shall please to  
appoint, of  
what is bought  
and sold in the  
Marts or Fairs  
aforesaid.



their trading with the English, as shall be set, appointed and allowed them by order and appointment of the respective County-courts in each County, any thing in this Act to the contrary notwithstanding.

Provided also, that it shall not be lawful, or permitted to any *Indian* or *Indians* resorting to or meeting at any those aforesaid marts or fairs, to travel with, or carry Armes, or appear there armed, except only the carrying home such arms and Ammunition as they shall then and there purchase, and shall be found registred in the Clerks Book, for which they shall have with them his Certificate.

*Indians Resor-  
ting to the said  
Marts shall  
not come arm-  
ed.*

Provided alwayes, and it is the true intent and meaning of this Act, that no Person or Persons shall be hindred from entertaining any *Indians* in their Houses, who shall have the right Honourable the Governours Licence so to do, according to a former Law in that case provided, any thing in this Law to the contrary notwithstanding.

#### IV.

### *An Act Imposing Fines on Sheriffs, concealing Tythables.*

**B**E it enacted by the Governour, Council and Burgeses of this present Grand Assembly, and the authority thereof, and it is hereby enacted, that whatsoever Sheriff, Collector or Receiver of the publick or County Levy, shall be found to Levy and receive Tobaccos, due upon concealed Tythables, and shall not give account to the next County-court thereof, after his such Receipt or Collection of the same, but shall convert or endeavour by such Concealment to convert

convert the same to his own use, and shall be thereof lawfully convicted, shall be fined and pay the Penalties enjoined in the former Act or Acts of *Assembly* for concealed Tythables.

## V.

*An Act ascertaining the Price of double Patents.*

**F**Orasmuch as divers persons making advantage thereof to themselves, thereby to save the trouble and charge of seating new, taken up Dividends of land, do customarily, add new Tracts of Land to former Patented Dividends: Be it therefore Enacted, by the Governour, Council and Burgesses of this present Grand Assembly, and the Authority thereof, and it is hereby Enacted, that it shall and may be lawful in such cases for Mr. *Secretary* to take as his due Fee for many times eighty pounds of *Tobacco*, as there are several Tracts of land in such Patent; but where several old Tracts of land formerly Patented shall be drawn into one new Patent, and no new lands not Patented before added thereunto, in such cases the Fee for such patent shall not exceed eighty pounds of *Tobacco*.

## VI.

*An Act for the Imposition of Two Shillings on every five hundred pounds of Bulk Tobacco, Vide Act the third, Anno 1680.*

## VII. An

VII.

An Act for Delivery of Strey-Horses, &c.  
*Repealed by his Excellencies Proclamation, Anno 1680.*

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VIII.

An Act restraining the impress of Timber, &c.

Forasmuch as divers complaints have been made, that it hath been heretofore practical to impress, and take from any mans land, such Timber trees as those who pretended to have such power were pleased to take, to the great hurt and dammage of such persons, Owners of the said land and Timber, from whom the same hath been taken, and contrary to the Right of Inheritance in and to the said Lands and Timber, to the end no such abuses, and Infringement of Properties may for the future be offered and done, be it enacted by the Governour, Council, and Burgesses of this Grand Assembly, and the authority thereof : and it is hereby enacted, that no Person or Persons under pretence of any power or Warrant whatsoever, that shall be employed



*Persons Impowered to Impress Timber, shall first make composition, or agreement with the Owners thereof.*

for the time to come, to procure or impress Timber for publick use, or other purpose, use, or intent whatsoever, shall or may take or impress any Timber from any mans land whatsoever, before he or they so impowered or pretending to be impowered, shall have first made Composition or Agreement with the Owner thereof, for the price of the same, and shall have made ready payment, or given sufficient caution for payment, according to such Composition and Agreement, upon the Penalty of paying for each Timber-tree, so taken without Composition or Agreement as aforesaid, five pounds *Sterlin*, according to a former Law in such like cases, made and provided.

*Two men of the Neighborhood shall value Timber to be impressed for publick Service in case the Owner be unreasonable in his demands.*

Provided alwayes, that if the Owner of such Timber as shall be wanted for publick uses, shall be unreasonable in his setting a price thereon, finding the advantage of the necessity thereof, to be had and taken for publick uses, that in such cases it shall be lawful to procure a Valuation thereof, to be had and taken by two good and honest men, of the Neighbourhood, upon their Corporal Oaths, which prices being paid or secured to be paid, shall in such cases be final and Determinative, and forasmuch as Divers Complaints have also been made to this Assembly, of Divers injuries and abuses which have been lately perpetrated and done by persons employed to impress necessities for publick occasions, and also divers complaints have been made, that of late divers persons have presumed to impress Sloops, Carts, Boats, Horses, &c. without lawful power to do, to rectify and prevent the like abuses for the time to come;

*Such as shall Impress Sloops, Shallops, Boats, Horses, Carts, Arms, Provisions, &c. shall produce their Warrants for so doing, to the Owners thereof.*

Be it further enacted by the Governour, Council, and Burgeses of this Grand Assembly, and the authority thereof; and it is hereby enacted, that from henceforth no person whatsoever shall presume to impress any sloop, Shallop, Boat, or other Vessel, Horses, Carts, Arms, Provisions goods or Merchandize whatsoever, without sufficient Warrant, and that such Warrant be shewed to such Person, from whom they are about to impress such Sloops, Boats, &c. and that whosoever shall by verttie of a Legal Warrant impress any Sloop-Boat, Shallop or Vessel, shall thereby have power to cause two men of the ablest of the Neighbourhood, to view and appraise such Vessel in the best of their Judgment, to the full vallue, and also to ascertain the vallue of the hire thereof, either by the day or by the Month, and that Instruments or Writings be drawn, intimating the vallue, and also the price of the hire by the day, or by the Month,

*Things Impressed shall be appraised by two men of the Neighborhood.*

Month, of which a Duplicate to be drawn, the one of which to remain with the appraisers, and the other part with the Owner or Owners of such Sloop-Boat, &c. and such Owner to bring such Instrument or Writing to the next County-court, where if such Sloop Boat, &c. were imprest for the use of that County, then to be paid out of the County Levy, according to the Tenor of the Writing or Instrument, but if the same were impressed for the use of the Publick, then the County-court is to return Certificate of such writing or Instrument, to the next Assembly, where Satisfaction shall be made according to the Tenor of the said writing or Instrument, but if it shall happen that such Sloop Boat, &c. shall be cast away, or lost in the Service, that then the Owner of such Sloop Boat, Vessel, Horses, &c. shall be at his choice whether he will have the vallue according to appraisement, or the wages ascertained in the writing, which the publick or County must see punctually paid; and if it shall happen that the publick or County shall have occasion to impress Provisions of what Nature or kind soever, the impressor is likewise empowered to cause two men of the ablest of the Neighbourhood, to appraise the same, and return a note, Certifying the quantity and price to the next County-court, where if imprest for the Counties use, to be paid out of the County Levy, and if for the publick use, the County-court to return an account thereof to the next Assembly, where full Satisfaction shall be made according to the appraisement, and if the County or Publick shall impress any man, that he be paid if betwixt the tenth of September, and the tenth of March, ten pounds of Tobacco per day, and if betwixt the tenth of March and the tenth of September, fifteen pounds of Tobacco per day, for the first ten days, and if he shall be continued in such Employment more then ten days at a time, then for all such time as he shall serve above ten days between September and March, after the rate of two hundred pounds of Tobacco per Month, and betwixt March and September, after the rate of three hundred pound of Tobacco per Month, and if any Horfe or Horses be imprest by the publick or County, the Owner or Owners of such Horses, shall receive fifteen pounds of Tobacco per day for the first Twenty days, and if he be continued longer then twenty days, then for all the time he shall be employed over and above the twenty dayes, after the rate of ten pounds of Tobacco per day, and before the Impressor shall take such Horfe or Horses, impress away, he shall

*And the wages for the hire thereof ascertained.*

*Wages allowed to men, impressed for the County, or publick Service.*

*Rates allowed for Horses impressed.*

shall first bring two able honest men of the Neighbourhood to appraise the said Horse or Horses, and a writing shall be drawn and signed, intimating the vallue, and if such Horse or Horses be killed in the Service, or otherways lost, it shall be at the choice of the Owner of such Horse or Horses, to receive the vallue as appraised or the wages for hire, if for the use of the County, to be paid by the County, if for the use of the publick, to be punctually paid upon returning Certificate from the County-court, as in case of Sloops, and in case any person or persons shall notwithstanding this Law presume to impress and carry away any Sloop-Boat or other Vessel, or any Cart, Horse, Arms, Provisions or any other matter or thing whatsoever, contrary to the true intent and meaning thereof, shall be fined and amerced double the vallue of any such Sloop-Boat, &c. Horses, Arms, Provisions, or any other matter or thing so by him Impressed, and taken away to the use of the Owner or Owners of such Goods to be recovered by Action of Trespass, in any Court of Judicature in this Colony.

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IX. An



IX.

An Act for settling the Form of Patents.

**M**R. Secretary Ludwell, having presented a new Form of a Patent, exactly agreeing with the new and late Charter, under the Broad Seal of England, in these following words: *To all to whom, &c. I, &c. send, &c. Whereas His Most Sacred Majesty hath been graciously pleased by his Royal Letters, Patents, under the Great Seal of England; bearing Date at Westminster, the tenth day of October, in the twenty eighth year of his Reign, amongst other things in his said Letters, Patents, contained to continue and confirm the Antient Priviledges and Power of granting fifty Acres of Land for every person imported into this his Majesties Colony of Virginia, now know ye, that I the said, &c. do with the consent of the Council of State, accordingly give and grant unto A. B. &c. Be it Enacted by the Governor, Council and Burgeses of this Grand Assembly, and the Authority thereof, and it is hereby Enacted, That all Patents shall be drawn henceforward in the abovesaid Form and words, to the end they may be firm, sure and valid in Law.*

M m m X. An

## X.

## An Act ascertaining Coroners-Fees.

Thirteen shillings and four-pence or 30 and one hundred three pounds of Tobacco the Coroners Fee.

In Counties where there is no Coroner, a Justice of Peace shall perform his Office, and receive the Fee aforesaid.

FOR as much as some doubts have arisen concerning Coroners-Fees, in this Colony, and it being necessary to declare by a Law what the same shall be; Be it therefore Enacted, by the Governour, Council and Burgesses of this present Grand Assembly, and the Authority thereof, and it is hereby Enacted, that a Fee for a Coroners Inquest be thirteen shillings and four-pence, according to the allowance in England, in such Cases, or one hundred thirty three pounds of Tobacco, and Cask, at the choice of the Coroners, to be paid out of the Estate of the person Deceased, if such there be, and for want of such Estate by the County where the Party causing the Inquest shall dye, and where there is no Coroner in the County, that the Justice of Peace doing the Office shall have the Fee.

XI. An

XI.

*An Act declaring the year 1676. to be out of  
the Statute of Limitations.*

For as much as by reason of the late unhappy Rebellion all Judicial Proceedings were impeaded and hindred for the greatest part of the last year, being the year of our Lord, 1676. Be it Enacted by the Governour, Council and Burgeses of this Present Grand Assembly, and the Authority thereof, and it is hereby Enacted, That the year 1676. shall not be accounted as one year, included and meant in the Statute of Limitations for Payment or Demand of Debts due by Bill, Bond or Judgment, or in the Clause and Proviso of Patents for Seating of Lands, but that in those and such-like Cases, the said year of our Lord be passed by, and not accounted of for one of those years therein or thereby meant and mentioned.

XII. An



## XII.

## An Act for Signing Executions on Judgments in the Assembly.

**I**T having been proposed in this Assembly, how and by whom Executions issuing upon Judgments granted by the Grand Assembly, shall issue and be signed, Be it Enacted by the Governour, Council and Burgeses of this Present Grand Assembly, and the Authority thereof, and it is hereby Enacted, That all Executions issuing upon Judgments granted by the Grand Assembly, shall be written and drawn by the Clerk of the Assembly, and signed only by the Right Honourable the Governour; his Honour being the Head of the Grand Assembly.

*Executions on  
Judgments  
granted by the  
Assembly shall  
be drawn by  
the Clerk and  
signed by the  
Honourable  
Governour.*

At

*At a Grand Assembly begun at JAMES  
CITY, the 25th of April, Anno  
1679.*

I.

*An Act for the Defence of the Countrey against  
the Incurfions of the Indian-Enemy.*

WHereas this Grand Assembly have taken into sad  
and ferious confideration the fundry Murders, Ra-  
pines, and many Depredations lately committed and done  
by *Indians* on the Inhabitants of the Countrey, and the great  
danger the Frontier-Counties are expofed to by the frequent  
incurfions of *Indians*; For prevention whereof, and for the  
future fecurity of the Country, Be it Enacted by the Go-  
vernour, Council and Burgefles of this prefent Grand Affem-  
bly, and the Authority thereof, and it is hereby  
Enacted, That four Houfes for Stores or Garrifons  
be Erected and Built at the heads of the four great Ri-  
vers, viz. At the head of *Potomack-River*, at *Niapsco*  
near *Occoquan*, one ftore-houfe to be ftongly built, and  
well covered to be fixty foot long, and Twenty foot broad,  
and one fmall houfe of ten-foot fquare, ftongly built for  
N n n Amm

*Four houfes  
for Stores and  
Garrifons or-  
dered to be  
built at the  
publick charge  
Places where.*

*The Dimenfi-  
ons thereof.*

Necessaries to  
be provided  
for the said  
Store-houses,  
and the per-  
sons appointed  
to procure the  
same.

Ammunition, both which to be built and paid for at the Publick Charge, and that Major *Isaack Allerton*, Collonel *St. Legior Cod*, and Collonel *George Mason*, take upon them to provide the several necessaries hereafter mentioned, for the said work and houses, for which they shall be reimburs'd by the Publick in the Respective Counties where they live, that isto say eight thousand eight-penny-nails, five thousand ten-penny-Nails, four thousand Twenty-penny-Nails, four Iron-pots, of about eight gallons each, with Pot-hooks, four Iron-Pestles, two Hair-Cifters course, twelve Milk-Trays, six Spades, two Cross-cut-Saws, six VVedges, two broad Axes, six falling Axes, six *Hilling-Hoes*, two drawing knives, two Hand-Saws, one Grindstone, one Froe, two Hammers, six Gimblers, two Augers, one of an inch, one of an inch and half, two Files one Adz, two Fry-ing Pans, two Stock-locks, ten bushels of Salt, and four washing-tubbs. At the head of *Rappahannack-River*, one Store-house or Garrison, with a small House, both of the demensions afore mentioned, and that Major *Lawrence-Smith* do procure the several necessaries above mentioned, for which he shall be allowed by the Publick in *Tobaccoes* in *Glocester-County*, at the rate of Ten Shillings Per Hundred with Cask. At the head of *Mattapony* at or above the *Indian Towns*, one Store-house or Garrison, with a small house for Ammunition of the demensions aforesaid, and that Captain *Richard Johnson* do procure and provide the several necessaries above mentioned, for which he shall be allowed by the Publick, in *Tobaccoes*, to be paid in *New-Kent-County*, at the rate of ten shillings per hundred with Cask. At the head of *James River* on the south-side, above Captain *William Birds*, one Store-house or Garrison, with a small house for Ammunition of like demensions aforesaid, and that Captain *William Bird* do procure and provide the several necessaries before mentioned, for which he shall be paid by the Publick in *Henrico-County*.

Every Forty  
Tythable shall  
be assessed to  
fit and set  
forth one  
Horse-man  
well Armed.

And be it further Enacted, by this Present Grand Assembly, and the Authority thereof, and it is hereby Enacted, That every Forty Tythables within this Colony, be assessed and obliged to fit and set forth one able and sufficient man, and horse, with furniture well and compleatly Armed, with a Case of good Pistols, and Carabine or short Gun, and a Sword, together with two pound of Powder, and ten pounds of Leaden Bullet or high Swan Shot; and also that each Respective Forty Tythables do provide and send up to the said Store-



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Store-houses, five bushels of shell'd *Indian-Corn*, and two bushels of Meal, eighty pounds of good well salted Pork, or one hundred pounds of good well salted Beef for four Months provision for such man, and his Horse, and so to supply him four months punctually.

*The Provision to be allow'd such Man and his Horse for four Months.*

And be it further Enacted by this Present Grand Assembly, and the Authority thereof, and it is hereby Enacted, that immediately after the Publication of this Law, the several Justices, and *Militia* Officers of each County do Assemble themselves at some convenient place, and consider of, proportion, and divide the Respective Tythables of their County into Fortyes, which Forty Tythables so by them divided and appointed to find a Man, Horse, Arms, Ammunition and Provision as is before expressed, shall either refuse, neglect or be incapable to fit out such Man and Horse Arms, Provision and Ammunition, in manner aforesaid, that then the Justices and *Militia*-Officers of the said County do, and they are hereby impowered to impress Man and Horse, with Arms, Ammunition and Provision as is before said, and send them to the said Store-house or Garrison, and assess the said Delinquent Tythables the whole Charge thereof, & cause the same to be Levied and paid, where the same shall be Due.

*The Militia-Officers of each County, to Proportion a Division of the Tythables in their said Counties.*

And be it further Enacted by this Present Grand Assembly, and the Authority thereof, and it is hereby Enacted, that the Pay of each private Souldier or Trooper for his personal service shall be after the Rate of two hundred pounds of Tobacco and Cask per Month, and so proportionably for a greater or lesser time, and for a Horse eighty pounds of Tobacco and Cask Per Month, and so proportionably for a greater or lesser time; and if after the proportioning the Tythables of each or any County into Forties and less number shall remain, such Tythables shall be assessed by the Justices proportionably to the rest, to help to defray the whole Charge.

*Private Soldiers Pay.*

And be it further Enacted by the Authority aforesaid, and it is hereby Enacted, that whensoever it shall happen that any one or more such Soldier or Soldiers so fitted out as aforesaid, shall dye, or become unable or unfit for service, or if such Horse sent to such service as aforesaid, shall happen to dye, be killed lost or disabled for service, or if any Arms so fitted, and sent out shall be lost, broken, spoiled or become unserviceable, and that the Forty Tythables to whom they or any of them appertained, shall be delinquent in fitting and sending out other in their stead, that then in such case the Respective Justices and *Militia*-Officers shall im-

*Horses dying or being killed or disabled in service, the Justices and Militia-Officers may impress others in their Room.*

press

press, and are hereby impowered to impress others in their Room; but if such Horse shall dye or be killed in the Country service, and good Certificate be made thereof by the Commander in Chief of the *Garrison* to which he belonged, to the Assembly, or that such Arms as are lost and broken, were lost & broken in the service, & not by neglect or fault of the Soldier to whom they belonged; and then such Horses or Arms shall be paid for by the Publick, according to the Certificate of the Chief Commander; but in case any Soldier shall wilfully or carelessly spoil his Horse, or kill or lose him, or spoil or lose or imbezil his Arms, in such case such Soldier shall be lyable, & he is hereby made lyable to make full satisfaction for the same to the said Forty Tythables, who fitted the same out.

And be it further Enacted by the Authority thereof, and it is hereby Enacted, that in case any Soldier, Horse or Arms fitted out and sent by any Respective number of Tythables shall by the Justices and *Militia*-Officers, be judged unfit for such services, that then in such case the said Justices and *Militia*-Officers do return such man Horse or Arms, and immediately impress others in their Room, and assess the Pay and Cost to whom the other belonged, or by whom they were sent out,

And be it further Enacted by this Present Grand Assembly, and the Authority thereof, and it is hereby Enacted, that forasmuch as the present necessity of the times require able and prudent Commanders, who have both Courage and good conduct, that a Captains Pay be Twelve hundred Pounds of *Tobacco* and *Cask*, Per Month, he finding himself Horse, Arms, Provision, &c. and that one of the Listed Soldiers which he shall make choice of, do wait and attend him, that a Lieutenants pay be 850*l.* of *Tobacco* and *Cask* Per Month the Cornets pay 600*l.* of *Tobacco* and *Cask* Per Month, the Chirurgeons Pay 850*l.* of *Tobacco* and *Cask*, Per Month; each of those Respective Officers finding themselves horses, arms, ammunition and Provision, and if any of the said Officers, shall lose or have any of their horses killed in the service, that in such case such horses so lost, or killed to be paid for by the Publick.

And be it further Enacted by this Present Grand Assembly, and the Authority thereof, and it is hereby Enacted that a box of Medicines be bought or impress by the Commander in Chief of each *Garrison*, to the value of five Pounds sterling, or thereabouts, not exceeding the said sum, for the use

*A Captains  
pay to be  
1200*l.* of To-  
bacco and Cask  
per Month.*

*The Lieute-  
nants pay  
850*l.* of To-  
bacco and Cask  
per Month.*

*The Cornets  
and Chirurgi-  
ons Pay.*

use of the *Garrisons*, and the Payment thereof, such Captain drawing a note upon the next Collector of two Shillings per *Hoghead*, to be by him paid and allowed to him in the publick account.

And be it further Enacted by the Authority aforesaid, and it is hereby enacted, that a Corporals pay and a Trumpeters pay be fifty pounds of *Tobacco per Month*, over and above a private Souldiers pay, which Overplus pay of fifty per Month, together with other Officers pay before mentioned, shall be paid and defrayed by the publick.

*Corporals and Trumpeters pay.*

And whereas divers Counties who are to send Provisions &c. to the Respective *Garrisons*, lye far Remote from the said *Garrisons*, it is hereby Enacted that the Justices and Militia-Officers of such Counties take care to send up their Provisions and ammunition with the best Convenience, and greatest Security, which charge shall be paid for and defrayed by the publick.

And be it further Enacted by this present Grand Assembly, and the authority thereof, and it is hereby enacted, that the Souldiers to be raised in each Respective County, by virtue of this Act, are forthwith with all possible convenience to be raised, and are to Repair to the several *Garrisons*, and to be upon the place on the Twentieth day of *June* next at furthest, and if possible sooner; and that each Respective County send their Proportions of men as is hereafter set down and expressed, viz. *Henrico County*, Northside of *Charles-City County*, *Warrick County*, *Elizabeth-City County*, *James-City County*, together with four Souldiers from *Lower Norfolk County*, four from *Nanzemund*, four from the *Isle of Wight*, three from *Surrey*, and two from the South-side of *Charles-City County*, be sent to the *Garrison* at the head of *James-River*, *New-Kent County*, *York County*, and one 3d. part of *Glocester County* Souldiers be sent to the *Garrison* at the head of *Mattopony*, *Middlesex County*, *Rapahannack County*, and two third parts of *Glocester County*, Souldiers be sent to the *Garrison* at the head of *Rapahannack River*, *Stafford*, *Westmerland*, *Northumberland*, & *Lancaster County* Souldiers to be sent to *Potomack Garrison*, *Lower Norfolk*, *Nanzemund*, *Isle of Wight*, *Surrey*, and the South-side of *Charles City Counties*, Souldiers to be Rangers for the Security of their Respective Counties, according to such Orders and Directions as shall be agreed upon, and made by their Militia-Officers.

*The proportions of men which the several Countyes shall send to the Garrisons.*

O o o

And



And be it further Enacted by this present Grand Assembly, and the Authority thereof, and it is hereby Enacted, that for the ease of publick charge, each Respective Souldier be and he is hereby enjoyned to be Assistant, by all convenient and possible wayes for the securing themselves, and building the Guard House, and Store-house or Houses, that is to say, in falling, malling or doing any other matter or thing requisite or necessary, and also in fencing to make Pasture to secure their Horses, &c.

Each Garrison shall be supplied with a good Boat and Oars  
 And be it also further Enacted by this present Grand Assembly and the Authority thereof, and it is hereby enacted, that each Garrison be supplied with a good Boat and Oars, such as may be sufficient to pass over at least three or four Horses at a time, and that the Commander in chief of each Respective Garrison be, and he is hereby enabled to procure and bargain for such Boats and Oares, to be accordingly paid for, by the publick upon his Certificate of the price thereof, a Boat and Oares for *Mattapony Garrison*, being already promised to be provided by Colonel *John West*.

Four of the Neighbouring Indians to each Garrison shall attend there.  
 And be it further enacted by this present Grand Assembly, and the Authority thereof, and it is hereby enacted, that four of the Neighbouring *Indians* to each *Garrison* shall be commanded by the Commander in chief thereof, to be alwayes attending at each *Garrison*; and because there is no Neighbour *Indians* on *Virginia* side, residing near the *Garrison* in *Potomack River*, the Commander in chief of that *Garrison*, is hereby impowered and requested to hire four of the *Matteoman-Indians* in *Mary Land*, for the service of that *Garrison*.

And to avoid all mistakes and harms that may ensue by being unacquainted with our Neighbour and Friendly *Indians*, and to the end we may the better know them from our enemies in our Ranging and Marches, be it enacted by this present Grand Assembly, and the Authority thereof, That all and every *Indian Town* have speedy notice, that if at any time any of them, or any of their Friends that may Repair to their Towns, shall happen to meet with any of our Souldiers ranging in the Woods, or shall come near any of our Plantations or People, in any place or places whatsoever, that they must not fly, hide themselves, or make any Opposition, and that if they do, they may be proceeded against with all manner of Hostility as enemies; but if they shall stand peaceably, and discourse the *English*, and give true account who and what they are, and upon their near approaches

approaches lay down their Arms, that then they shall be civilly treated, and no harm shall be done or offered to them.

And forasmuch as the said *Garrisons* may not be at any time left destitute of sufficient defence against any enemy that shall or may attempt the same; Be it enacted, that ten long Guns or Muskets be provided, with one Barrel of Gunpowder, and leaden shot or Bullet, proportionable thereto, for each *Garrison*, to be kept in the Store-house belonging to it, for a Reserve and Defence for the same; and that the charge of such Armes, powder, or bullet, if the same cannot be procured from his Majesties store, be paid for and defrayed by the Publick.

*Ammunition to be kept in the Garrisons for store.*

And to the end that the Eastern Shore may not be altogether left without defence against the enemy, if any shall attempt thereon, or any Suspicion of such attempts shall arise among the Inhabitants there, be it enacted by this present Grand Assembly and the Authority thereof, and it is hereby enacted, that the Inhabitants on the Eastern Shore may have, and it is hereby declared, that they have the same Liberty to make *Garrisons*, and raise Souldiers in manner and form as is allowed to the several Counties on the Western Shoar, or to raise or imploy their Souldiers in Ranging, as they find Occasion.

And be it further enacted, by this present Grand Assembly and the Authority thereof, and it is hereby Enacted, that the several Associations on the South-side *James-River* shall and may, as they see Occasion, erect like Houses and *Garrisons*, as is at the heads of the other great Rivers towards which they shall be equally allowed by the publick, with the other *Garrisons* before mentioned, and such Officers as are imployed in ranging either on the Eastern Shore, on the South-side of *James-River*, to be paid for the time of their Service by the Publick, equally with other Officers at the *Garrisons*.

And for the better Encouragement and more orderly Government of the Souldiers, that what *Indian-Prisoners* or Plunders shall be taken in War, shall be free purchase to the Souldier taking the same; and where any difference shall happen among the Souldiers in such or like matters, the same to be adjudged, decided, and determined, by their Respective chief Commander, and all such Souldiers as shall be maimed or disabled in the Service, have an annual Pension allowed

*What Indian Prisoners, or plunder the soldiers take shall be free purchase.*

*Souldiers  
maimed or  
disabled in  
Service shall  
have an Annu-  
al pension.*

allowed them by the Publick at the Discretion of the Assembly, and that the Articles of War be published and practised, as is directed in the Act of Assembly, made in the year 1675.

## II.

### *An Additional Act for the better Preventing stealing of Hogs.*

*Persons the se-  
cond time con-  
vict of stealing  
Hogs, shall  
stand in the  
Pillory with  
their Ears  
nailed thereto.*

*And the third  
time shall be  
prosecuted as  
Felons.*

**W**Hereas notwithstanding the former Law against Hog-stealing, the same is dayly practised to the great damage of the Inhabitants of this Countrey, for prevention whereof, Be it enacted by the Governour, Council, and Burgeses of this Grand Assembly, and the Authority thereof, and it is hereby enacted, that this following Addition be made to the former Law, *viz.* That for the first Offence of Hog-stealing, whereof any person shall be convict, the party shall be adjudged according to the said Law, and if any Person having been once Convict of Hog-stealing, shall a second time be convict thereof, then for such his default he shall stand two hours in the Pillory, and have both his ears nailed thereto, and at the Expiration of the said two hours, have his Ears cut loose from the Nailes, which Penalty and Punishment shall be adjudged and inflicted against and upon the Offendor by any County-court in *Virginia*, any Law to the contrary notwithstanding, and whosoever shall be taken a third time stealing of Hogs, that then he be tryed by the Laws of *England*, as in case of Felony.

*An*



*An Additional and Declaratory Law, Impow-  
ering County-Courts to make By-  
Laws.*

Two men shall  
be chosen in  
each Parish  
by the Free-  
holders and  
House-keepers,  
to sit with the  
Justices in  
County-Courts,  
for making of  
By-Laws.

Inhabitants of  
the County shall  
obey the By-  
Laws thereof.

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them

them several Chappels of ease, Be it therefore Enacted by this Present Grand Assembly, and the authority thereof, and it is hereby Enacted, that the Inhabitants within the Precincts of every such Chappel of ease, may elect one Representative for every such Chappel, to sit and vote with the Justices, in making such By-Laws as aforesaid, the time and place for such Election to be also appointed by the County-courts.

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#### IV.

### *An Act declaring how far Accounts are Pleadable against Dead Mens Estates.*

**V** Hereas the 95th Act of Assembly in the Printed Laws making no Accounts pleadable against Dead Mens Estates, is found too severe, and that many Executors and Administrators of Dead mens Wills and Estates, have had and taken too great an advantage thereby, to the Defrauding and great Prejudice of many Creditors to such Estates, for prevention whereof for the time to come, and to the end all just debts may be recovered against the Debtors Estate : Be it Enacted by the Governour, Council and Burgeses of this Grand Assembly, and the authority thereof, and it is hereby enacted, that from henceforward all accounts brought against a Dead Mans Estate for any Debt made and Contracted within one year before the Parties Death, but no longer shall be pleadable, and recoverable against

gainst the Debtors estate, and for no longer time, without prescription, if the party in Debt shall after contracting such Debt, remove or abscond himself from the County where he lived, at contracting the same. Provided always, that all such accounts and claims as shall be brought against a dead mans estate, be fairly proved in Court by the Oath of the Creditor, and one Witness more, and that the party claiming and Suing for such Debt do himself appear, and in open Court make Oath upon the Holy Evangelist, that the same is really due, without any discount to be made, or Credit to be given that he knows of.

*No Debts pleadable against dead mens Estates, but such as were contracted within one year before their decease.*

V.

An Act Repealing the 129<sup>th</sup> Act of Assembly, in the Printed Book.

**V**Hereas the 129<sup>th</sup> Act of Assembly in the Printed Book of Laws, enjoyning the Inhabitants on Potomack River, and on the eastern shore, not to make delivery of their Tobaccoes by them sold or paid away without certificate from the collector, that the impost is paid thereof to him under the Penalty of Twenty Shillings for every Hoghead, by them suffered to be taken out of their Possession, is found grievous to the said Inhabitants, all other the Inhabitants of Virginia, being at their Liberty to sell,



*The Act Prohibiting the Inhabitants on Potomack River, and on the Eastern Shoar to Ship their Tobaccoes without Certificate Repealed*

sell, and deliver their own *Tobaccoes* to the best advantage, Be it enacted by this present Grand Assembly, and the authority thereof, and it is hereby enacted, that the said 129th Act of Assembly be and from henceforth stand Repealed, and that the Inhabitants on *Potomack River*, and on the Eastern Shore have like and equal Liberty and Priviledge with the rest his Majesties Subjects in this Colony, to sell, dispose, pay, and make Delivery of their *Tobacco* to their best advantage and Convenience.

## VI.

### An Act Ascertainning Collectors Fees for entry and clearing Ships, &c.

**W**Hereas several Complaints have been made, to this present Grand Assembly, that several Collectors in this Colony have exacted, and taken great and unreasonable Fees, for entring and clearing Ships and smaller Vessels, trading into this Countrey, which if permitted and continued, might prove prejudicial to trade; for prevention whereof for the future, Be it enacted by this present Grand Assembly, and the Authority thereof, and it is hereby enacted, that from hence forward, no Collector

Collector or Collectors shall or may demand or take other Fees for entring and clearing of any Ship or Vessel coming into this countrey, then by this Law is ascertained and allowed to be taken, that is to say, for every Ship or smaller vessel, Burthen twenty Tuns or under, fifteen Shillings and no more; and for every Ship and other vessel burthen above Twenty Tuns, thirty Shillings and no more; which Sums shall be in full Payment of his Fees, for entring, clearing, Licence to Trade, and for taking such Bonds as are by Law enjoyned to be given and taken at the entring and clearing of Ships and other vessels Trading hither.

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## VII.

### An Act for Securing Orphans Estates.

**W**Hereas the 66th Act of Assembly in the Printed Book Relating to Orphans Estates, is found too short and deficient, and that by the neglect of the Courts in taking Security upon granting Orders for Administrations, great Prejudices have ensued and may ensue; For the better prevention thereof for the future, Be it Enacted, by this present Grand Assembly, and the Authority thereof, and it is hereby enacted, That before  
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any order for Administrations shall be granted to issue forth from the Office, so as Letters of Administration shall or may thereupon pass, and be signed by the Justices, as by the Laws is directed and enjoined; good security shall be taken for the Parties due Administration according to Law.

*Administrators of Orphans Estates shall give good security.*

And be it further Enacted, by this Present Grand Assembly, and the Authority thereof, and it is hereby Enacted, that all Justices sitting in Court, whensoever Administrations are sued for and granted, and shall upon granting Order or Orders of Administration, neglect to make order for security as is before enjoined to be taken, shall thereby, and for such their neglect become lyable to make good such Estate in case the same shall be imbezelled by such Administrators. And it is also further Enacted, that all Justices of the Peace, stand enjoined, and are hereby required before they sign Letters of Administration, to demand Certificate from the Clerk, that security is given according to Law, and duly entred upon Record, to the end all Orphans, &c. may be secured in their Estates, and the Justices safe, in the due execution of their Office and Places.

#### IV

#### VIII.

### An Act prohibiting the Importation of Tobaccoes into this Colony.

**F**OR as much as the Importation of Tobaccoes into this Colony from Carolina, and other Parts without the Capes, hath been found very prejudicial to this Country, and the In-



Inhabitants thereof; for prevention of like mischief, and inconvenience for the future, Be it Enacted by the Governour, Council and Burgesses of this Present Grand Assembly, and the Authority thereof, and it is hereby Enacted, that from and after the tenth day of *October* next after this present Sessions, no *Tobaccoes* packt in Cask or otherways, shall be brought from without the Capes of *Virginia* into this Colony, either in Boat, Sloop, or other Vessel whatsoever, to be Landed on shoar, sold or Shipped off in any Ship or other Vessel riding in this Colony, except only by such persons as shall make it appear, that they are Inhabitants of *Lower-Norfolk-County*, and that the *Tobaccoes* by them brought round the Capes, is of the growth of the said County, upon Penalty of Forfeiting all such *Tobaccoes* so brought into this Colony, contrary to the intent and meaning of this Act; one half of such *Tobaccoes* so forfeited to be to the use of the Kings Majesty, and the other half to be equally divided between the Informer and the Countrey.

Provided alwayes that it shall be lawful for any Merchant or other person inhabiting in this Country to fetch from *Carolina* commonly called the South, and bring hither all such *Tobaccoes* as are already due to him before the making this Law.

Provided also that such Merchant, or other Inhabitant of this Country, as shall pretend to have *Tobaccoes* due there, and expects liberty of importing the same into this Country, do within three months next after the Publication of this Act, repair to the Court in the County where he lives, and there make Oath upon the Holy Evangelists, what sums of *Tobacco* is due to him there, and that the same was due to him before the Publication of this Act, and cause the same to be entered upon Record, and further that such Merchant or other person residing in this Country, and having *Tobaccoes* due to him in *Carolina*, and claiming the benefit of this Law, to import the same into this Colony, shall and do immediately, and before he shall unload the same, either out of Boat, Sloop or other Vessel, bringing the same into this Country, repair to the next or nearest Collector of the impost of two Shillings Per Hogshead, and make entry with him of all such *Tobaccoes* as he shall bring in; and do also make Oath upon the Holy Evangelists before such Collector or other Magistrate whom he shall appoint, that such *Tobaccoes* so brought in, is such part of what *Tobaccoes* was due to him in Forreign Parts, before the making this Act, the total where.

whereof he hath already signified to the County-Court where he resides, according to the Injunctions of the Law.

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## IX.

An Act forbidding Mary-Land-Vessels  
Trading into this Countrey, without making  
Due Entry.

WHereas by several Laws which long have been and now are of force in *Mary-Land*, all Ships, Sloops, Boats or other Vessels, belonging to *Virginia*, are enforced to make Entry with the Respective Collector, before they can be permitted to make delivery of any Goods, or take on Board any *Tobaccoes* to import hither, and consequently to pay considerable sums of money to such Officer for such Entry, though the Goods or Concern thither carried be of very small vallue, which severity this Assembly having taken into consideration, do adjudg it very unneighbourly; Be it therefore Enacted, by the Governour, Council and Burgessees of this Present *Grand Assembly*, and the Authority thereof, and it is hereby Enacted, that no Ship, Sloop, Boat or other Vessel belonging to any the Inhabitants of *Mary-land*, or coming from thence, shall from henceforth be permitted to bring in any manner of Goods or Commodities of what vallue soever, into any of the Rivers or Parts of this Government, and unload the same either on Board any other Vessel, or on shoar, without first making due Entry thereof,

thereof with the Collector of these Precincts, under the Penalty of forfeiting such Sloop, Boat, &c. or other Vessel, together with such Goods and Merchandizes as shall be so unloaden as aforesaid, the one half to the Informer, and the other half to the use of the Countey where the seizure is made, and the several Collectors are hereby earnestly required and enjoyned to take particular care in this matter, and this Law to stand in force, until the *Mary-Landers* shall repeal their severe Law before Nominated.

*No Vessel belonging to the Inhabitants of Mary-Land, shall unload in any Port of Virginia without Entry first made upon Penalty of forfeiture of the said Vessel and Cargo.*

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At

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*At a General Assembly begun at JAMES  
CITY the eighth day of June, Anno  
1680.*

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I.

*An Act of free and general Pardon, Indemni-  
ty and Oblivion.*

**T**He Kings Most Excellent Majesty, having taken into serious and gracious consideration, the present state and condition of his Colony of *Virginia*, and reflecting on the late Rebellion raised there by *Nathaniel Bacon* Junior Deceased, his Complices and Abettors, and how many of his good Subjects were drawn into the same, and seduced from their Allegiance by the specious pretences set forth by the said *Nathaniel Bacon*, who have since by their dutiful behaviour shewed themselves sensible thereof, and repenting for the same, and to the intent, that no Crime whatsoever committed against his said Majesty and Government, may here-  
after



after rise in Judgment, or be brought in question against any of them, to their least endammagement, either in Lives, Liberties, Estates, or to the prejudice of their Reputations by any reproach, or term of distinction, and to turn all seeds of future discord and the remembrances thereof into utter oblivion, as well in his Majesties own Breast, as in the breast of his Majesties Subjects one towards another, and out of an earnest desire to put an end to all suits, quarrels and controversies whatsoever, that by occasion of the said Rebellion, and late distractions, have arisen and may arise, between any of his Majesties Subjects, and in pursuance of his Majesties gracious Proclamation of Pardon, bearing date the twenty seventh day of *October*, 1676. and in the twenty eighth year of his Reign, is graciously pleased that it may be Enacted, and be it Enacted by the Kings most Excellent Majesty, by and with the consent of the General Assembly, that all manner of Treasons, Misprision of Treasons, Murders, Felonies, Crimes and Misdemeanours committed, acted, counselled or done by any persons whatsoever, upon or at any time, before the sixteenth day of *January*, 1676. in the twenty eighth year of his Majesties Reign, other then the persons hereafter excepted, in such manner as they are excepted, by virtue or colour of any Command, Power, Authority, Warrant, Commission or Instructions from Sir *William Birkley* late Governour of *Virginia*, Deceased, or of or from any person deriving, or pretending to derive mediately or immediately, any Commission, Power or Authority from the Grand Assembly in *Virginia*, held in *June*, 1676. or of or from *Nathaniel Bacon* Deceased, assuming unto himself the Authority of, or Reputed to be Commander in chief of all the Forces in *Virginia*, by Land or Sea, or from any other person or persons deriving or pretending to derive any Authority from them or either of them, be Pardoned, Released, Discharged and put in utter Oblivion, and that as firmly and fully to all intents and purposes, as if they or every of them, had been herein particularly named and expressed.

Free and general Pardon for the Accessories in Bacons Rebellion.

And be it further Enacted by the Authority aforesaid, that all and every such person and persons, their and every of their Heirs, Executors and Administrators (except as hereafter excepted) that were actually engaged in Aiding, Acting or Advising, Assisting, Abetting or Counselling the said Rebellion, shall have and enjoy all and every their Lands, Tenements, Hereditaments, Goods and Chattels whatsoever forfeited to his Majesty, his Heirs and Successors for any of

of the Crimes aforesaid, in the same manner, and as freely to all intents and purposes, as if they had not been forfeited, yet so that they and every of them and their Estates Real and personal shall be subject and lyable to pay all and singular their just Debts in the same manner as if they had committed no Rebellion, Crimes or Offences, except and always foreprized out of this Act, the above-named *Nathaniel Bacon Junior*, the principle contriver, beginner and maintainer of the said Rebellion, who having taken up Arms under pretence of an *Indian War*, assumed unto himself the Title of General, and did afterwards chase away the then Governour, there rob, kill, and continue to destroy several other of his Majesties Loyal Subjects, that refused to take the detestable Oaths imposed by the said *Bacon*, until it pleased the Almighty to send him the said *Bacon* an infamous and exemplary death, whereby he hath escaped the punishment in this world so justly due to his person; Be it therefore Enacted, and it is hereby Enacted by the Authority aforesaid, that the said *Nathaniel Bacon Junior*, shall be by vertue of this Act, and is hereby adjudged to be convicted, and attainted of High-Treason to all intents and purposes as if he had been convicted or attainted thereof by due course of Law, in his life time, and that all the Estate Real and Personal whereof he was seized or possessed upon the fifth day of June, 1676. or at any time after, within the Colony of *Virginia*, shall be forfeited to the Kings Majesty, his Heirs and Successors, and is hereby declared to be vested in His Majesty, his Heirs and Successors, without any Office or Inquisition thereof, to be hereafter taken or found.

Nathaniel Bacon Junior  
Attainted of  
High-Treason.

Provided always, and be it Enacted, that this Act nor any thing therein contained, shall extend to Pardon discharge, or give any other benefit whatsoever, unto *Giles Bland*, *Anthony Arnold*, *Richard Turner*, *Richard Pomsfrey*, *John Iles*, *Robert Stokes*, *John Whitson*, and *William Scarbrough*, alias *Scarbrough*, who were all legally Convicted Attainted and Executed for their Horrid Treasons, and Rebellions, or to *Richard Lawrence* who fired *James City* and is since fled notwithstanding his Majesties gracious Proclamation, but that the persons last aforesaid, and their Estates are out of this Act, wholly excepted and foreprized, Provided also and it is hereby Enacted by the Authority aforesaid, that if *Joseph Ingram*, *Gregory Walklate*, *Thomas Whaley*, *John Forth*, and *John Longolon*, shall at any time after the passing

Persons excluded from  
the benefit of  
the Act of Indemnity.

fining this Act, accept or exercise any Office or Publick employment whatsoever, within the said Colony of *Virginia*, that then such of them as do so accept or exercise as aforesaid; shall to all intents and purposes, stand as if he or they had been totally excepted by name out of this Act. And whereas many of his Majesties Loyal Subjects cannot but be very great sufferers by the Spoiles and Rapines committed during the late Rebellion, to the intent that they may have as much Relief therein, as may possibly stand with the quiet of the Country, as also for the avoiding and determining the endless Suits and Prosecutions which must necessarily ensue, if care be not taken to prevent the same; It is hereby further Enacted by the Authority aforesaid, that as to any wrong or injury which hath been committed by any person or persons at any time between the first day of *May* and the sixteenth day of *January*, 1676. whereby the Goods or Commodities of any his Majesties Subjects in *Virginia*, have been destroyed or spoiled, or have been impaired or made worse and for which no Judgment hath been actually obtained, before the 25th day of *April* 1679. on the one and thirtieth year of his Majesties Reign no account, suit, Process or satisfaction be at any time hereafter required, prosecuted, made or given for the same, from or against any person or persons whatsoever.

*Provision made for Relief of such as were sufferers by the late Rebellion.*

Provided always, that where the Goods of any of his Majesties Subjects not actually engaged in the said Rebellion, or being aiding or assisting to the same, have been wrongfully taken away between the said first day of *May*, and the said sixteenth day of *January*, and shall be found in the possession of any other person or persons, it shall and may be lawful, for the Owner or Owners of such Goods or Commodities, his or their Executors or Administrators, to take, sue for, and recover the same by all legal means, any thing in this Act contained, or any other Laws, Acts or Statutes to the contrary notwithstanding.

Provided always, that no further Punishment, Satisfaction or Damages, shall be Recovered or Inflicted on any Christian Servants that have deserted their Masters, or been active in the late Rebellion; then that time incurring between the said first day of *May*, and the said sixteenth day of *January*, shall be accounted no part of their time of Service: And be it further Enacted by the authority aforesaid, that no Verdict, Judgment and Indictment, Informations, Decrees, Sentences, Probats of Wills, Admini-

strations,

strations,



strations, Writs, or Actings on, or return of Writs, Orders, or other Proceedings whatsoever in Law and Equity, had, made, given, taken, or done, or depending in any Courts whatsoever, or before any Judges within the said Colony of *Virginia*, nor any Actings, Process, Proceedings or Executions thereupon had, made, given, done, or suffered, before the passing of this Act, within our said Colony, shall be avoided, for or by Reason that the Premises or any of them were commenced, prosecuted, had, made, held or done, by or before any Person, pretending and assuming the Name Title, Authority, and Dignity of Governour of the said Colony, though he were not legally so, or before any Person or Persons, pretending and assuming the name Title, and Authority of Councillors in the said Colony, though not legally so, but that all and every such Verdicts, Judgments, and other things above mentioned, and the actings, doings, and Proceedings thereupon, shall be of such and of no other Force, Effect, and value, then as if such Person so Assuming the name Title, Authority and Dignity of Governour, had been legally Commissioned by his Majesty thereunto, and as if such Person or Persons pretending the name, Title, and authority of Councillor there, had been legally authorized thereunto. And whereas during the Licentiousness of the late times, several ill disposed Persons took upon them to asperse the Government, and defame the Governour and chief Magistrates of the said Colony, raising false and Scandalous Reports, without which our good Subjects there could not have been so easily led away, which cannot but tend to the future Disturbance of the Peace, and Welfare thereof, if not timely prevented by Inflicting Punishments proportionate to the greatness of the Crime; Be it therefore enacted by the authority aforesaid, that whosoever shall after the passing of this Act, maliciously and advisedly by writing, speaking, or otherwise, express, publish, utter or declare, any Words, Sentences, or other thing or things, to incite or stir up the People to the dislike of any Person appointed by his Majesty to be Governour or Commander in chief of the said Colony, or tending to the dishonour or defaming of the said Governour or Commander in chief, for the time being, and being thereof legally convicted, shall be imprisoned during one year without Bail or Mainprize, and incur such Forfeitures as shall be adjudged, not exceeding the sum of five hundred pounds.

*Any Person  
who shall ei-  
ther by words  
or writing de-  
fame the Go-  
vernour, shall  
suffer a years  
Imprisonment  
without Bail,  
&c.*



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*the* **L A W S** of **VIRGINIA.** 251

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pounds to the Kings most Excellent Majesty, his Heirs and Successors. And it is in like manner Enacted, that whosoever shall maliciously and advisedly, by writing, speaking, or otherwise, express, publish, utter and declare, any words, Sentences, or other things, to incite or stir up the People to the dislike of his Majesties Councillors, Judges, or other principal Officers within the said Colony, tending to the dishonour or defaming of the said Councillors, Judges, or other principal Officers, and being thereof Lawfully convicted, shall be imprisoned during three Months, without Baile or Mainprize, and incur such Forfeiture as shall be adjudged, not exceeding the sum of one hundred pounds, to the Kings most Excellent Majesty, his Heirs and Successors, any Act or Acts, Order or Orders, to the contrary in any wise notwithstanding.

*As in the original MS. of 1643.*

**II. An**

## II.

*An Act for Naturalization.*

**W**Hereas nothing can contribute more to the speedy settling and peopling of this his Majesties Colony of *Virginia*, then that all possible encouragement should be given to persons of different Nations, to Transport themselves hither with their Families and Stocks, for to settle, plant, or Reside, by investing them with all the Rights and Priviledges of any of his Majesties natural Free-born Subjects, within the said Colony; Be it therefore Enacted by the Kings most Excellent Majesty, by and with the consent of the General Assembly, and it is hereby Enacted by the authority aforesaid, that it shall and may be lawful for the Governour or Commander in chief, for the time being, or any of his Successors, Governours of this Colony, by a publick Instrument under the broad Seal thereof, to declare any Alien or Aliens, Forreigner or Forreigners being already settled, or Inhabitants of this his Majesties Colony, or such as shall hereafter come for to settle, plant, or reside in it, and having taken the Oath of Allegiance, before the Governour or commander in chief, for the time being, to be to all intents and purposes, fully and

*The Governour  
may natura-  
lize such For-  
reigners: shall  
seat themselves  
in this Colony.*

and compleatly naturalized; and the said Persons so approved of and named in the said Letters Pattents as aforesaid, shall by vertue of this Act have and enjoy to them and their Heirs the same Immunities and Rights, of and unto the Laws and Priviledges of this Colony, and as fully and amply as any other of his Majesties Natural born Subjects have or enjoy within the same, as if they themselves had been born within any of his Majesties Realms or Dominions; any former Law, Act, Ordinance, usuage, or custom to the contrary in any wise notwithstanding. And to the intent the said Letters Patent and instrument under the Broad Seal of this Colony as aforesaid, may be obtained without any great difficulty or charge, be it further enacted, that the Governour or Commander in chief, shall have and receive for the same forty Shillings, and his Clerk for writing of it, ten Shillings, and no more; and whereas several Aliens and Forreigners that have formerly transported themselves to this his Majesties Colony, and have taken up and Patented in their own Name, several Parcels of Land, or otherwise made purchase of Lands, Houses, Tenements or other real interest, and have afterwards sold the same to some of his Majesties Leige People, or Inhabitants of this Colony; It is therefore hereby Enacted and Ordained, by the authority aforesaid, that all such person or persons, that shall have so bought of any Alien or Aliens, any Lands, Houses, or Tenements, be secured, and by vertue of this present Act for ever confirmed in the quiet and peaceable Possession of the said Purchases, unto them and their Heirs for ever, any former Law, Usuage, or Custom, to the contrary in any wise notwithstanding.

Provided that nothing in this Act contained, shall be construed to enable or give power or Priviledge to any Forreigner to do or execute any matter or thing, which by any of the Acts made in *England*, concerning his Majesties Plantations he is disabled to do or execute.

## III.

An Act for raising a Publick Revenue  
for the better Support of the Govern-  
ment, of this his Majesties Colony of  
Virginia.

Two Shillings  
so be paid for  
every Hoghead  
of Tobacco ex-  
ported.

WHereas there is a great and continual charge Re-  
quired for the Maintenance of the Governour,  
and several other Officers and Persons, as also for the  
Fort and Fortifications, besides many other contingent ex-  
pences, absolutely necessary for the Support of the Govern-  
ment of this Colony; Be it therefore enacted, and it is  
hereby enacted by the Kings most Excellent Majesty, by and  
with the consent of the General Assembly, that for every  
Hogshead of Tobacco, that shall at any time hereafter be  
exported out of this Colony, by Land or water, to any o-  
ther place whatsoever, there shall be paid by the Ex-  
porter two Shillings of currant money of England, as also  
for every five hundred pounds of Tobacco exported in Bulk  
or otherwise, and so proportionable for a greater or les-  
ser quantity, the same to be to the Kings most Excellent  
Majesty,



Majesty, his Heirs and Successors for ever, to and for the better Support of the Government, of this his Majesties Colony of *Virginia*, in such manner as is herein before expressed, and to and for no other use, intent, and purpose whatsoever. And be it further Enacted by the Authority aforesaid, that all Ships or vessels whatsoever, coming to this Colony, or any part thereof, shall Respectively pay for every Tun, such Ships or vessel shall contain, one half pound of good and new Gunpowder, and three pounds of Leaden Shot, or one Shilling three pence Sterling in lieu thereof, as also Sixpence *per Poll* for every person imported, not being actually a Marriner in pay, the same to be also to the Kings most Excellent Majesty, his Heirs and Successors for ever, for the better support of the Government of this his Majesties Colony of *Virginia*, in such manner as is herein before expressed, and to and for no other use, intent, or purpose whatsoever.

*All Ships or Vessels whatever coming to this Colony shall pay ½ al. of Powder and 3 l. of Shot, or 1s. 3d. money, in Lieu thereof.*

And for the better discovery and preventing of Frauds, Be it further Enacted by the Authority aforesaid, that the Master of every Ship or Vessel, shall deliver his Boat-swains Book to the perusal of the Respective Collectors, and make Oath of the truth thereof, to the best of his knowledge, and that the Mate, Boatswain, Seamen, or other persons be also sworn if there be cause, for the discovery of the truth of the freight; and if any Master shall wittingly or willingly conceal any part of his Freight, or make false entry of the burthen of his Ship or Vessel, or number of persons imported as aforesaid, that then the said Master shall forfeit for every such Offence the sum of One Hundred Pounds Sterling, as also the treble duties for every Hoghead, or five hundred pounds of *Tobacco*, and for every Tun concealed; one Moitie to the Informer, and the other Moitie to the Kings most Excellent Majesty, his Heirs and Successors, to and for the uses above mentioned, and to be recovered by action of Debt, Bill or Plaint, by virtue of this Act, against which no essoining, wager of Law, or protection to be allowed to any person so offending.

*Sixpence per Poll payable for all Persons imported, Mariners excepted.*

And it is hereby further Enacted by the Authority aforesaid, that the Respective master of every Ship and Vessel, shall enter into a Bond of Twenty Pounds Sterling to the Kings most Excellent Majesty, his Heirs and Successors, for the payment of the Duties of so many Hogheads, or five hundred pounds of *Tobacco* as shall upon due Certificate appear to be entred in the Custom-house in *England*, more than

than shall be entered and paid to the Respective Collectors, and other Officers in *Virginia*, unless the said Collectors and Officers be fully satisfied of the true number of Hogsheds and Freight of the said Ships and Vessels; the said Bond to be made without any Fee, and to be void to all intents, as if never made, if not put in suit, upon due Certificate to be procured by the Respective Collectors from the Custom-house in *England* within one year from the making thereof, which said Collectors and other Officers are hereby required to use their utmost diligence in the due execution of this Act, and shall be allowed their usual salaries, or such other as by the Governour or Commander in Chief for the time being, with the advice of the Council, shall be adjudged necessary for Collecting the said imposition; which said Governour or Commander in Chief, for the time being, is also hereby further Authorized and empowered from time to time with the advice of the Council as is before specified, to give such reasonable allowances and encouragement, as shall be adjudged fitting, not exceeding ten *per Centum*, to such Masters of Ships or other persons, as shall give in true accounts, and advance and pay down the above mentioned duties either in money or good and sufficient Bills of Exchange, to the satisfaction of the Respective Collectors.

Provided always, and it is hereby Enacted and declared by the Authority aforesaid, that the Act of Assembly in the Printed Book, Intituled, Imposition of two shillings *per* Hoghead, made at a Grand Assembly held at *James City* the 23d of March 1661. also one other Act, Intituled, An Act for the imposition of two shillings *per* Hoghead, made at *James City* the second of December, 1662. also one Act in the Printed Book, Intituled, Castle-duties to be paid, made at a Grand Assembly holden at *James City* the 23d of March, 1661. and all other former Acts for the raising or levying of two shillings *per* Hoghead Impost upon *Tobaccoes* exported out of this his Majesties Colony of *Virginia*, or for raising or levying, Castle Duties, Tunnage, or head-money be and are hereby by vertue of this Act fully Repealed and made void to all intents and purposes, any thing in this Act, or any other Law, Statute, Custom, Usage, or instructions whatsoever to the contrary notwithstanding.

Provided also, and it is hereby Enacted, and declared by the Authority aforesaid, that the Priviledges of *Virginia*-Owners of Ships, expressed and set down in the CXXXIII. Act

Act, in the Printed Book (Intituled *Priviledge of Virginia-Owners*) made at *James City* the 23d of *March*, 1661. and one Act made at *James-City* the 20th. of *October*, 1669. (Intituled, *An Act for freeing Virginia-Owners from Castle-Duties*) shall be, and are hereby meant and intended to be in full force, power and virtue, to the benefit, use and priviledge of all and every such Owner or Owners, any thing in this Act, or any other Act, Law, Statute, Custom, usage or Instructions whatsoever, to the contrary notwithstanding.

#### IV.

**An Act for continuation of the several Fortifications and Garrisons, at the heads of the four great Rivers.**

**W**Hereas the number of Soldiers at the several Garrisons appointed by Act of Assembly made at *James-City*, the 25th day of *April*, 1679. is found too chargeable for the great poverty of the Inhabitants of this Countrey, and longer to lye under, and nevertheles, the holding up any maintaining the said Garrisons, and Fortifications against the incursions of the *Indian-Enemy* is deemed of absolute necessity; Be it therefore Enacted and it is hereby

U u u

Enact-



Each Garri-  
son to have  
twenty Souldiers,  
besides  
the chief  
Commander.

Enacted by the Kings most Excellent Majesty, by and with the consent of the General Assembly, that the clause in the said Law, appointing Forty Tithables, to set forth one Souldier, be from henceforth wholly repealed and made void, and that the said Garrisons and Fortifications be continued, and that from henceforward, the number of Soldiers at each Garrison, over and besides the Commander in chief thereof, be twenty in number, out of which number, two Corporals to be chosen by each Respective Commander in chief, and that such twenty Souldiers for each Garrison as aforesaid, be appointed and chosen, as also their Horses, Arms and Furniture, out of those who are now there, or ought to be there, by each Respective Commander proportionally out of the severall Counties to which they appertain, and that for a supply of the said twenty Souldiers, Horses, Arms or Furniture so made choice of as aforesaid, and happening to dye, or any ways become disabled by sickness or otherwaies, that then such dificiency upon notice given by the Commander in chief to the Justices, or first in Commission of such County-Court, to which County such Souldier or Souldiers, &c. shall belong, shall forthwith be supplied according as the aforesaid Act of Assembly made the 25th of April, 1679. directs, and it is further Enacted by the Authority aforesaid, that each Officer and Souldiers pay shall be and continue, as is set down in the said recited Act of Assembly, which charge shall be borne and allowed by the Publick, and for the lessening the charge heretofore brought for transporting provisions, and the better and more sure providing the same; Be it Enacted by the Authority aforesaid, that each Souldier be allowed such Proportions of Corn and Meat, as is set down in the before recited Law, and that Collonel *William Bird* as undertaker in this Present Assembly, do forthwith begin, and all along continue from four months to four months, to provide and furnish the provision and Corn for the Garrisons and Souldiers at the head of *James River*, and deliver the same so convenient to the Garrisons, as that the same may be conveniently secured and fetcht in by the Souldiers thereof, without further charge to the Country.

Persons in-  
trusted to  
make Provisi-  
on for the  
Souldiers be-  
longing to  
the Garrisons

Their Allow-  
ance.

For which Provisions he the said Colonel *William Bird* shall be paid and allowed by the publick, after the rate of two Thousand pounds of *Tobacco* and *Cask per Annum*, for each Souldier at the said Fort; and that Captain *John Langhorn*,



born as Undertaker in this present Grand Assembly, make like Provisions and delivery thereof, for York River Fort, and have like pay from the publick, and that Robert Beverly as Undertaker in this present Grand Assembly, make like Provisions and Delivery thereof, for Rapahannack River Fort, and have like pay from the publick, and that the Rules in the former Law be observed for providing Provisions for Potomack Fort, and because by Reason of the Poverty of this Countrey, the number of Souldiers appointed for each Garrison at the Countreys charge, is so few, and that in all likelihood there may be found emergent Occasion to Reinforce each Garrison with one or more Souldiers; his Excellency is humbly Requested as he shall see cause from time to time to place in each Garrison such Number of his Majesties Foot-souldiers now in the Countrey, as from time to time shall be thought fit and needful; and for such Souldiers so placed, their Allowance of Provisions shall be from time to time, made and provided at the Countreys charges, as is proportioned and allowed for the other, all such Souldiers being furnished and supplied with his Majesties Arms and Ammunition, and provided with their own Bedding to be carryed to such Garrison at the charge of the countrey, and to the end such Provisions as aforesaid may be always ready and at hand, it is hereby Enacted, by the Authority aforesaid, that every Undertaker hereby and herein in this Act nominated do for the first four Months and for every other succeeding four Months, provide and lay in for each Garrison five Months proportionable Allowance, and also from time to time, furnish such other quantities proportionable, and for each such Supernumerary Souldier as shall be sent according to the time such Souldiers shall be continued there, and as the said Undertakers shall from time to time receive Notice thereof, and Direction for the same from each Respective Commander, in chief for such Garrison as he hath Undertaken for, and for such Provisions he shall be paid by the publick, according to the Rates before mentioned.

Five Months  
Provisions in  
each Garrison.

Provided always, and his Excellency is desired if he see cause, to draw off ten of the Souldiers from each Garrison, for the ease of the Country, supplying the same with ten of his Majesties Souldiers at each Garrison, and such ten to have the Horses, Arms, and Furniture of those that shall be withdrawn.

V. An

## V.

*An Act for Cohabitation, and Encouragement  
of Trade and Manufacture.*

**T**His present General Assembly having taken into their serious consideration the great necessity, usefulness, and advantages of Cohabitation in this his Majesties Colony of *Virginia*, and observing and foreseeing the great extremities his Majesties Subjects here; must necessarily fall under by the present and continued Lowness of the price of *Tobacco*, the only Commodity and Manufacture of this Countrey, if the same be not by all prudential wayes and means prevented; and considering that the building of Store-houses for the reception of all Merchandizes, imported, and receiving, Securing, and laying ready all *Tobaccoes*, for exportation and for Sales, and disposal of all Goods, Merchandizes, and *Tobaccos* imported or exported into or from this his Majesties Colony of *Virginia*, will be one great means of advancement thereof, do pray your Majesty that it may be Enacted, and be it Enacted by the Kings most Excellent Majestie, by and with the Consent of the General Assembly, and it is hereby Enacted by the Au-

Authority aforesaid, that thereby within two Months next and immediatly after publication hereof in every respective County within this his Majesties Colony, fifty Acres of Land purchased by the Feoffees of the severall Counties at the rates hereafter set down, and measured about, laid out and appointed for a Town for Store-houses, &c. for such County as is hereafter set down, and Expressed; that is to say;

In *Henrico* County at *Verina*, where the Court-house is.

In *Charles-City* County at *Flower-de-hundred* over against *Smynyards*.

In *Surry* County at *Smiths Fort*.

In *James-City* County at *James-City*.

In *Isle of Wight* County at *Pates-field* at the parting of *Pagan Creek*.

In *Nanzemund* County at *Collonel Dues Point*, alias *Huffs-point*.

In *Warwick* County at the mouth of *Deep Creek* on *Mr. Mathew's Land*.

In *Elizabeth-City* County, on the West-side *Hampton River*, on *Mr. Thomas Jarvis* his Plantation where he now lives.

In *Lower Norfolk* County on *Nicholas Wise* his Land on the Eastern Branch of *Elizabeth River*, on the Entrance of the Branch.

In *Tork* County on *Mrs. Redds Land* where the *Shipp Honours Store* was, including the Low Beach for Landing Wharfes, &c. and the Old field where *Webber* dwelt for Cohabitation.

In new *Kent* County at the Brick-house along the high Land in the old field from *Marsh* to *Marsh*.

In *Glocester* County at *Tindalls Point*, on *Tindalls Creek* side, on *John Williams* his Land.

In *Middlesex* County on the West-side of *Ralph Wormleys Esquire*, his Creek, against the Plantation where he now lives.

In *Rappahannack* County at *Hobbs* his hole.

In *Stafford* County at *Peace point* at the mouth of *Aquia* on the North-side.

In *Westmorland* County at *Noming* on the Land of *Mr. William Hardridge*.

In *Accomack* County at *Colverts Neck* on the North-west-side, at the head of *Anancock Creek*,

*Fifty Acres of Land in each County shall be set apart to Erect Store-houses upon, for the use of the said County.*

*Places in each County where the said Store-houses shall be built.*



In *Northampton County* at the North-side of *Kings Creek*, beginning at the mouth, and so along the Creek, on the Land belonging to Mr. Secretarys Office.

In *Lancaster County* on the North-side *Corotomen River*, against the place where the Ships ride, on a point of Land belonging to Mr. *Edward Carter*, about a quarter of a mile up the Creek which divides Mr. *Thomas Chewnings* and the Court-house.

In *Northumberland County* at *Chickaony*.

What price the  
County shall  
pay for the said  
fifty Acres of  
Land.

Encourage-  
ment to such  
as will build a  
Dwelling house  
on the aforesaid  
Land.

And Be it further Enacted by the Authority aforesaid, and it is hereby Enacted, That the price to be paid by each County, for each respective Fifty Acres of Land, nominated as aforesaid, shall be ten thousand pounds of *Tobacco* and *Cask*, which sum the Owner or Owners thereof, shall be and are hereby constrained to accept, take, and receive, as a full and valuable price and consideration for the said Land for ever; and for which he shall pass and acknowledge an authentique Deed in Law to such person or persons, his or their heirs and assigns for ever, as shall be nominated by the Justices of the County-court, as *Feoffees in trust*, and to and for the use of the County. And for Encouragement of all and every such person and persons, as will build a dwelling House, and a Warehouse thereupon, every such person and persons shall have assigned him or them, by the Justice or Justices of the County *Feoffee or Feoffers* in the Deed named, or in case of the Death or absence of one or more of them, then by such other as shall be appointed by the Court, one half Acre of the said Land in Fee-simple, he paying to the County one hundred pounds of *Tobacco* and *Cask*, and building such Dwelling-house, and Warehouse thereupon, as by this Act is enjoyned: and in case any person shall desire more then one half Acre, that then there be assigned him one half Acre more in manner aforesaid, he building thereupon one other Dwelling-house and one Warehouse, and paying the County one hundred pounds of *Tobacco* and *Cask* for the same. And it is hereby further Enacted, that every such person or persons as shall desire and purchase such Lands as aforesaid, and shall not begin to build thereupon within three Months after such purchase, and so continue to the finishing such building as by this Act is enjoyned, shall forfeit all such *Tobacco* and Land, the same to revert to the County, so as to be Sold and assigned to any other person or persons desiring



firing the same on the prices & Conditions aforesaid. And it is hereby further Enacted that the Surveyor or Surveyors appointed to lay out the said fifty Acres in the several appointed places, be paid and allowed by the Publique according to Act of Assembly; and that every Surveyor for Laying out every Dividual half Acre, and giving a Plot thereof, shall be paid by him that shall employ him twenty pounds of Tobacco and Cask, and no more. And such Surveyor as upon timely notice given him shall refuse to survey and lay out the same, or shall demand more then what is herein allowed, upon due proof thereof made, shall pay to the party agrieved five hundred pounds of Tobacco, to be recovered by Action of Debt in any Court of Judicature. And be it further Enacted by the Authority aforesaid, and it is hereby Enacted, that all Tobaccos whatsoever which shall be made within this his Majesties Country from and after the first day of January next ensuing, and all other Goods and Merchandizes whatsoever, of the growth of this Colony to be Exported, shall be brought to the said appointed places, where all such Tobacco and all Goods and Merchandizes whatsoever of the growth or production of this Colony, are to be bought, sold, Shipt off and freighted; and whosoever shall presume to Buy, Sell, freight or Ship off any Tobacco or other Goods and Merchandizes aforesaid, next after the time aforesaid, before the same is brought to such appointed places, upon due proof thereof made, shall forfeit, and lose all such Tobacco, or other Merchandizes whatsoever, one half to his Majestie, and the other half to the informer, any Law, Usage, or Custom to the Contrary notwithstanding. And all Goods, Wares, English Servants, Negroes, and other Slaves and Merchandizes whatsoever, that shall be imported into this Colony, from or after the 29th Day of September which shall be in the year 1681. shall be landed and laid on shoar, bought, and Sold, at such appointed places as aforesaid, and at no other place whatsoever, under like penalty and forfeiture thereof.

*Surveyors of the said Land shall be paid by the Publique. Their Allowance.*

*All Tobaccos and other Goods and Merchandizes whatever of the growth of this Colony, to be exported shall be brought to the places aforesaid.*

*Goods Imported shall be Landed and sold there.*

Provided alwayes that it shall and may be Lawfull, for any person whatsoever, to have liberty to buy and Sell between themselves any Horses, Mares, Cattle, Sheep Corne, English graine, or any other manner of provisions whatsoever; and also liberty to carry Hides to the Tanners, where the Tan-houses are, any thing in this

*Horses, Cattle English graine &c. and other Provisions, excepted.*

Prices appointed for Sloop-hire from the said Ware-houses.

this Act to the contrary notwithstanding. And to prevent Exactions that may be used by Sloop-men who must necessarily be employed to bring the said *Tobaccoes* to the said appointed places, and for the Owners of Ware-houses for Storage thereof, it is hereby Enacted, that the Owner of the *Tobacco* bringing the same to the Waterside, where it is to be taken on Board, shall pay for Sloop-hire no more then Twenty Pounds of *Tobacco* and *Cask* for each Hogshead, if the said *Tobaccoes* be within thirty miles of the said Ware-house, to which it is to be brought, and at what distance soever further, forty pounds of *Tobacco* and *Cask* for each Hogshead, and no more upon penalty of forfeiting one hundred pounds of *Tobacco* and *Cask* for each Hogshead, by him who shall demand, receive or take more, to the use of the Party grieved; and for Storage of any Hogshead of *Tobacco* in any Ware-house, the Owner thereof shall pay to the Ware-house-keeper ten pounds of *Tobacco* for the first day, or for a Month, and for every month after six pounds of *Tobacco* and no more.

And whereas there are several persons who are so Remote from Landings proper for taking their *Tobaccoes* on Board the Soops or Boats for Transporting the same to the appointed places, It is therefore hereby further Enacted, that in case any Person or Persons, Owners of such Lands, which shall be convenient to build a house upon, convenient for securing such *Tobaccoes*, until the same can be shipped, shall refuse to build such house for securing such *Tobaccoes* as aforesaid, that in such cases liberty be granted, and liberty is hereby granted to any person or persons whatsoever, for so much Land as he or they may conveniently build such fitting house upon, for securing such *Tobaccoes*, as shall be brought thither in order to transporting the same, to the Ware-houses appointed by this Act, he or they who shall desire the same and build thereon according as by this Law is intended, paying to the Owner thereof, such Price and Prices as are set down and ordered to be paid in the Act of Assembly, providing for Lands, for Churches and Mills, and that there be allowed free liberty of ingress and egress to and from such house or houses, not committing any Trespass, & for encouragement of all that shall Transport their *Tobaccoes* to the appointed places mentioned in this Act, it is also hereby Enacted, that no Execution, Attachment or other Process in Law, shall be executed or laid upon

*Tobaccoes during their Transporting unto, and whilst they are continued*

on any the said *Tobaccoes* in the time of the Transportation thereof, to the said appointed places, or in the Ware-houses for any Debt, contracted before the passing this Act; the party that removes or transports such *Tobaccoes* having first made Oath before a Magistrate, that he is really and *Bona fide* Transporting the same to one of the said Ware-houses; and for encouragement of Carpenters, Sawyers, Brickmakers, Bricklayers, Labourers, and all other Tradesmen whatsoever, that will cohabit, dwell, and exercise their Trades within the said appointed places, or any of them, it is hereby enacted by the Authority aforesaid, that all such persons so inhabiting, shall within the limits and bounds of the several respective places be wholly free from any arrest of their persons, or seizure of their Estates, for such Debts as were formerly contracted for, and during the term of five years to come next after the publication of this Law, not barring the Creditor or Creditors to sue for, and recover their Debts when the time of five years is expired, any Law, Custom, or Usage to the contrary notwithstanding.

*in the houses aforesaid are exempt from any Execution or Attachment for Debts contracted before the making this Act.*

And it is hereby further Enacted, that all such Tradesmen, and Labourers cohabiting in the places aforesaid, & not planting tending or making *Tobacco*, shall be free and acquit from paying any Publick Levy during the term of five years from the Publication of this Act.

*Tradesmen who will dwell in the places aforesaid shall be freed from the payment of former Debts of five years.*

Provided always, and it is hereby meant and intended to be meant, that all such Debts as shall accrew by any bargain or contract made or to be made, within the limits of the said appointed places, or any one of them, immediate Process may be granted thereon any thing in this Law to the contrary notwithstanding, and for the more sure reserving all such *Tobaccoes*, as shall be brought to the aforesaid Stores or Ware-houses, to the use and advantage of the Owners thereof, it is hereby further Enacted by the Authority aforesaid, that no Collector or Collectors of Levy or Parish-Tiths shall make distress or seizure of any *Tobaccoes* in such places for publick County, or Parish-Levies or for Sheriffs or Clerks-Fees, but that all Sheriffs and Publick Collectors shall be and hereby are enjoined to Collect, and receive the *Tobaccoes* Due in their Collections as heretofore was usual and the Publick or other Creditor to receive the same accordingly.

*Such persons not Planting Tobacco shall also be freed from the payment of publick Levies for 5. years.*

*No Collector shall make seizure of any Tobaccoes while in such places for publick County, or Parish Levies.*

And be it further Enacted by the Authority aforesaid, and it is hereby Enacted, that for the better advancement  
Y y y of



of the Price of Tobacco, and lessening of Freight that no Merchant, Factor, or Adventurer whatsoever, arriving with any Goods, VVares, Servants, Slaves or other Merchandize whatsoever, into this Colony shall presume to buy, Ship off, or Freight any Tobacco whatsoever, from any of the before appointed places at any time or times before the twentieth day of *March*, 1681. by which time it may be presumed and believed all *Tobaccoes* whatsoever, which shall be made in this Colony, may be brought to the said appointed places, under the Penalty of forfeiting and losing all such Goods, VVares, *&c.* and all *Tobaccoes* so purchased one half to his Majesty, and the other half to him or them that shall or will inform or sue for the same, any Law, Usage or Custom to the contrary in any wise notwithstanding.

*Persons dwelling within the said appointed places have liberty to sell their Tobacco at any time.*

Provided always, and it is hereby meant and intended, that this Restriction shall continue two years from the said twentieth of *March* and no longer.

Provided always that notwithstanding any thing in this Act contained, any Inhabitant dwelling within the said appointed places, have liberty to sell such Goods and Merchandizes as they have of their own at any time.

*Where two or more Counties lie conveniently one such Warehouse may serve in Common.*

Provided also, and it is hereby Enacted, that if two or more Counties lying convenient to each other, shall within the two months before recited agree together on one common place and Town for each their Counties, and lay out the ground for the same in Common betwixt and amongst them, and there build houses as by this Act is enjoined that then such one Town so agreed on, appointed, laid out, and built upon, shall serve and be sufficient for such two or more Counties, any thing in this Law to the contrary notwithstanding, and it is hereby further Enacted, that all Magistrates take due care to see this Act be strictly observed and put in Execution,



VI.

*An Act Ascertainning Attorneys Fees.*

**W**Hereas all Courts in this Countrey are many times hindred and troubled in their Judicial proceedings, by the impertinent discourfes of many busy and ignorant men who will pretend to affist their Friend in his bufinefs, and to clear the matter more plainly to the court, although never desired or Requested thereunto, by the person whom they pretend to affist, and many times to the Destruction of his cause, and great trouble and hindrance of the court, for prevention whereof for the future, Be it enacted by the Kings most Excellent Majesty, by and with the consent of the General Assembly : And it is hereby enacted by the authority aforesaid, that no Person or Persons whatsoever, shall practise as an Attorney, or appear to plead in the General court, or any County-court in this countrey, but such as shall be first Licenced by his Excellency, or Successors thereunto, and that any one that shall presume to plead in the General court, or any County or other Court, without such Licence first obtained, and had; shall forfeit for every such Offence committed in the County-court six hundred pounds of Tobacco, and in the general court 2000 pounds of Tobacco, the one half to our Sovereign Lord the King, his Heirs and Successors, and the other half to the Informer, to be Recovered by Action of Debt, Bill, Plaint, or Information in the said court

*No Person not licenced by the Governor shall plead as an Attorney in the General or County-Courts*

*The Penalty.*

OR

*Five hundred  
pound of To-  
bacco the At-  
torney Fee for  
pleading a  
Cause in the  
General Court  
and 150 for e-  
very cause in  
County-courts.*

or courts where such Offence shall be committed, and be it further enacted by the authority aforesaid, that no Attorney or Attorneys so Licenced as aforesaid, take, demand or receive from any persons for any cause in the general court, and bringing the same to Judgment, more then five hundred pounds of Tobacco and Cask, and for any cause in the County-court, and bringing the same there to Judgment, more then one hundred and fifty pounds of Tobacco and Cask : and it is hereby declared and enacted, that every Attorney or Attorneys shall have for every cause he undertakes in the general court, five hundred pounds of Tobacco and Cask, and for every cause he undertakes in the County-court, one hundred and fifty pounds of Tobacco and Cask, which he may Lawfully claim without any Pre-agreement, made with the parties for the same, and be it further Enacted by the Authority aforesaid, and it is hereby Enacted, that all such Attorney or Attorneys that shall refuse to plead any cause in the general court for the aforesaid ascertained Fee, of five hundred pounds of Tobacco and Cask, shall forfeit and pay to the person grieved, five hundred pounds of Tobacco and Cask, after Legal conviction on due proof thereof made to be Recovered by due Process of Law, and upon Refusal of any cause in the County-Court, shall pay to the party grieved one hundred and fifty pounds of Tobacco and Cask, after legal conviction as aforesaid, to be Recovered by due process of Law.

*Fine laid on  
Attorneys Re-  
fusing to plead  
for the Fee a-  
foresaid.*

*Any Person  
may notwith-  
standing plead  
his own cause.*

Provided always, that this Act or any clause therein shall not extend to debar any man that is capable of pleading and managing his own cause in any the said general or County-courts, but that he may be permitted and allowed to plead and manage his own business, any thing in this Act to the contrary notwithstanding.

VII.

*An Act Ascertaining the time when Negro-Children shall be Tythable.*

Whereas it is deemed too hard and severe, that children as well Christian as Slaves, imported into this Colony, should be lyable to Taxes, before they are capable of working. Be it Enacted by the Kings most Excellent Majesty, by and with the consent of the General Assembly, and it is hereby Enacted by the Authority aforesaid, that all *Negro* Children imported or to be imported into this Colony, shall within three months after the publication of this Law, or after their arrival be brought to the County-Court, where their Age shall be adjudged of by the Judges holding Court, and put upon Record, which said *Negro* or other Slave so brought to Court Adjudged and Recorded, shall not be accounted Tythable, until he attains the age of twelve years, any former Law, Usage or Custom to the contrary notwithstanding.

And be it further enacted by the Authority aforesaid, and it is hereby enacted, that no Christian Servants imported in-

*Negro Children imported shall not be accounted Tythable till 12 years of Age.*

Z z z to

*And Christian Servants Imported, not till they are 14.* to this Country, shall be Tythable before they attain to the age of fourteen years, any former Law, Usage, or Custom to the contrary notwithstanding.

## VIII.

An Act *Licenfing a Free Trade with Indians.*

*The time  
this Act shall  
continue in  
force.*

**B**E it enacted by the Kings most excellent Majesty, by and with the consent of the General Assembly, that all former Acts of Assembly Restraining, Limiting and Forbidding Trading with *Indians*, be and stand hereby Repealed; and they are hereby Repealed; and that henceforth there be a free and open Trade, for all persons at all times and places with our friendly *Indians*; and that this Act continue in force, until the end of the next Sessions of Assembly.

IX. An



IX.

An Act *ascertaining Allowance for Cask*

BE it enacted by the Kings most excellent Majesty, and with the consent of the General Assembly, and it is hereby Enacted, that from and after the Publication of this Law, the allowance of Cask for Publick County and Parish-Levys, and for Clerks and Sheriffs Fees, be *eight per Cent.* and no more; and that all Sheriffs or other Collectors of the same shall allow the Planter or others, *eight per Cent.* for his Cask, as aforesaid, upon Penalty of paying for refusing so to do, one hundred pounds of Tobacco to the Party grieved, and to whom he shall deny such allowance, and

*Allowance of Cask for Publick, and County Levys &c. shall be eight per Cent. and no more.*

on due proof thereof made, to be recovered by action of Debt in any Court of Record, or before one single Justice of the Peace, if the same exceed not Two Hundred Pounds of Tobacco.

XI

X

An Act for preventing Negroes Insurrection.

Whereas the frequent meeting of considerable numbers of *Negro*-Slaves under pretence of Feasts and Burials, is judged and deemed of dangerous consequence, for prevention whereof for the future; Be it enacted by the Kings most excellent Majesty, by and with the consent of the General Assembly, and it is hereby enacted by the Authority aforesaid, that from and after the Publication of this Law, it shall not be lawful for any *Negro* or other Slave to carry or arm himself with any Club, Staff, Gun,

Gun, Sword or any other Weapon of Defence, or offence  
 nor to go or depart from off his Masters Ground, without a  
 Certificate from his Master, Mistress, or Overseer. And such  
 permission not to be granted but upon particular and ne-  
 cessary occasions, and every *Negro* or Slave so offending, not  
 having Certificate as aforesaid, shall be sent to the next  
 Constable, who is hereby enjoined and required to give the  
 said *Negro* twenty lashes on the bare back well laid on, and  
 so sent home to his said Master, Mistress or Overseer; and  
 it is further enacted by the Authority aforesaid, That if any  
*Negro* or other Slave, shall presume to lift up his hand in  
 opposition against any Christian, shall for every such Offence  
 upon due proof made thereof by the Oath of the Party be-  
 fore a Magistrate, have and receive thirty lashes on the  
 bare back well layed on. And it is hereby further enacted  
 by the Authority aforesaid, that if any *Negro* or other  
 Slave shall absent himself from his masters service, and  
 lye hid and lurking in obscure places, committing injuries to  
 the Inhabitants, & shall resist any person or persons that shall  
 by any lawful authority be imploied to apprehend & take  
 the said *Negro* that then in case of such resistance, it shall be  
 lawful for such person or persons to kill the said *Negro* or  
 Slave, so lying out and resisting; and that this Law be once  
 every six months published at the Respective County-Courts  
 and Parish Churches within this Colony.

*Negroes shall  
 not go armed  
 nor depart  
 from off their  
 masters ground  
 without Cer-  
 tificate.*

*Resistance of  
 Negroes or a-  
 ny other slaves  
 punished.*

*Fugitive-Ne-  
 groes resisting  
 such as are  
 imploied to  
 apprehend  
 them may be  
 killed.*

## XI.

### An Act for Presentation and Delivery of Grievances.

For as much as it hath been the frequent practice of ill  
 disposed and seditious persons, to deliver to their  
 Burgeesses, and they to the Assembly, scandalous and sediti-  
 ous

A a a a

*Sheriffs of  
each County  
shall before e-  
very Session  
of Assembly  
appoint a  
time and  
place  
for receiving  
Presentments  
of Grievances.  
Such Present-  
ments shall  
be signed.*

ous Papers, and to intitle or call them the Grievances of such Countie or Counties wherein they dwell, neither giving or presenting the same in lawfull manner, nor in truth being known to any other of his Majesties good Subjects, of such County whose Title they bear; Be it enacted by the Kings most excellent Majesty, by and with the consent of the General Assembly, and it is hereby enacted by the Authority aforesaid, that the Sheriffs of each County shall before every Session of Assembly, appoint a time and place for presenting, giving and receiving all County-Grievances, which shall be signed by the Parties giving the same, and attested by the Clerk of the County-Court. or Chief Magistrate, so to be; and all other private Propositions or particular Ag-grievance shall be signed by the Party delivering the same, or not to be received into the Assembly.

## XII.

### An Act prohibiting the exportation of Raw-Hides and Deer-Skins.

**B**E it enacted by the Kings most excellent Majesty, by and with the consent of the General Assembly, and it is hereby enacted, that from and after Publication of this Act, it shall not be lawfull for any person or persons whatsoever to export out of this his Majesties Colony of Virginia, any Untainted-Hides or Deer-Skins, upon the Penalty of paying



paying for every Raw-Hide or Deer-Skin, one hundred Pounds of *Tobacco* and Cask, that shall be found on Board any Ship, Boat, Sloop or other Vessel, in order to such Exportation, over and besides the forfeiture of all such Raw-Hides or Deer-Skins so found in exportation; the one half to his Majesty, his Heirs and Successors, and the other half to him that shall make Information thereof; And all Collectors of the two shillings per Hoghead, and penny per Pound Customes, are hereby required and enjoyned on every Information and Suspition of such exportation, to make diligent search and seizure accordingly.

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### XIII.

#### *An Act Prohibiting Unlawful Disturbances of Divine Service.*

**B**E it enacted by the Kings most Excellent Majesty, by and with the consent of the General Assembly, and it is hereby enacted by the Authority aforesaid, That whoso-

*Any Person  
that shall dis-  
turb the Mini-  
ster, during  
the Exercise of  
his Ministeri-  
al Function,  
shall for the  
first Offence be  
fined 200l. of  
Tobacco, and  
500 for every  
such Offence  
after.*

whosoever from and after the publication of this Act, shall appear in any Church or Chappel within this his Majesties Colony, whilst the Minister is exercising his Ministerial Function, and shall disturb him by Words or any other manner of means whatsoever, or shall there appear in any unseemly or undecent Gesture, any Justice, Sheriff, or other Officers then present shall put such person or persons so offending under Restraint during Divine Service, who shall also for the first Offence be fined two hundred pounds of Tobacco and Cask. And for every such Offence as shall be by them or any of them committed after in the like Quallity, shall be fined five hundred pounds of like Tobacco and Cask, for every such Offence; which Fines shall be Levied by the Sheriff upon the Estate of the person or persons so offending by vertue of a Warrant from a Justice of the peace; and such Justice of the peace that shall refuse or neglect to put this Law into severe Execution, shall be fined five hundred pounds of Tobacco and Cask, to the use of the Parish for every such neglect.

III.

XIV. An

#### XIV.

*An Act Reviving, and Reinforcing an Act made at JAMES-CITY, the 20<sup>th</sup>. of October, 1665. and putting the same in Due Execution.*

BE it enacted by the Kings most Excellent Majesty, by and with the consent of the General Assembly, and it is hereby Enacted by the Authority aforesaid, that the eighth Act of Assembly made at JAMES-CITY, the 20<sup>th</sup>. of October, 1665. Intituled, *An Act concerning Indians*: Be and hereby is Revived and Re-inforced, to the end the same be put in due and Effectual Execution.

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#### XV.

*An Act for the well clearing the Heads of the Rivers and Creeks, from Loggs and Trees, for the more safe Passage of Sloops and Boats.*

VV Hereas the Neglect of clearing the Heads and others parts of Rivers and Creeks, from Loggs, Trees, Roots of Trees, and other Rubbish, hath  
Bbbb occasioned

*Justices of the  
County Courts  
shall annually  
appoint the  
Surveyors of  
the Rivers and  
Creeks to clear  
the same from  
all trees, Loggs,  
Rubbish, &c.*

occasioned and endangered the loss of several Sloopes, Boats, *Tobaccoes*, and Merchandizing Goods, in Carriage thereof, to and from the Ships; for the better prevention thereof for the future, Be it Enacted by the Kings most Excellent Majesty, by and with the consent of the General Assembly, and it is hereby Enacted by the Authority aforesaid, That from and after the Publication of this Law, the Respective Justices of the several County Courts, do annually in *June* or *July* Courts appoint and order the Surveyors for the Rivers to clear all, and all manner of Loggs, Trees, Roots of Trees, and other Rubbish, as may any ways hurt and endanger any Sloop, Boat, or other Vessel, from out of the Respective Rivers, or Creeks heads, or parts of any River or Rivers, Creek or Creeks, within their County, and limited bounds, as Surveyors; which said clearing and Removeal of all Loggs, Trees, Roots of Trees, and other Rubbish, shall be as aforesaid annually performed, according to the true intent and meaning of this Act, under such pains and penalties for every Delinquent and Offender, as are set down in 97th Act of Assembly, in the Printed Book; Intituled, *Surveyors for High-ways*: And if any shall presume to fall Trees into the Rivers or Creeks, and not clear the same, the Offendor shall be fined five hundred pounds of *Tobacco* the first Offence, to the use of the County: And for the second, one Thousand pounds of *Tobacco* to the use aforesaid.

*Such as shall  
fall Trees into  
the Rivers and  
not clear away  
the same, fined  
500 l. of Tobacco.*

## XVI.

### *Additional Fees Ascertained to County-Court Clerks.*

**B**E it enacted by the Kings most Excellent Majesty, by and with the consent of the General Assembly, and it is hereby enacted, that Those Additional Fees



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Fees hereafter set down, over and besides the fees nominated in the Printed Book, be demanded and taken by County-court Clerks, as just fees, and none other, viz.

*1. Tobacco.*

For writing a pair of Indentures, if amongst the parties, as they can agree; if bound by the Court. } 40.

For a Bond. 10.

For a Retrait. 4.

For filing, endorsing, Bill, Accompt, Petition or such like. } 3.

For all Answers to Petitions, if writ by themselves. 10.

If not writ by them, and so for a Petition. 5.

For a Warrant by command of Court or Justice. 10.

For a Chancery Bill, if written in the way of other usual Petitions, and exceed not one side of a whole Sheet of Paper. } 20.

If more, every such side. 10.

Recording the Pannel of a Jury, and their Oath. 10.

Returning and Recording Executions. 10.

Returning and Recording Attachments. 5.

Recording the Acknowledgment for Satisfaction of a Judgment. } 10.

For taking Inventories of Estates, at Appraisement, and out-cries, if the Clerk be employed he ought to be agreed with for that and his Attendance: or if not agreed with, the Court to award for his pains and trouble as they see cause.

For Returning Administrations, and Probats of will, with their Security, into the Secretaries Office, having a Certificate from the Office, of having so done. } 40.

For procuring the signing of Administration, and Probats. } 10.

For writing and Publishing any Persons Departure, or for Stray-horses, or such like, at the Court-house-door, if writ by themselves. } 5.

For Recording the same. 5.

For Acknowledging Land in Court, and Recording thereof, and Copy. } 25.

For Relinquishing Dowers, and recording thereof. 20.

For a Caveat. 5.

For entering and Returning References on the Docket. } 5.

For

For a <i>Quietus</i> and Recording it. —————	25.
For a Bill of Costs. —————	3.
For a private Courts Attendance there. —————	200.
For Attendance at the Executing a <i>Dedimus</i> , and return thereof to the Office. —————	100.
For returning Appeals and Securities. —————	30.
For recording the Issuing an Attachment. —————	3.

Penalty of  
Clerks exact-  
ing greater fees  
than is here  
appointed.

And if any Clerk of a County-court shall exact and take greater sums for any Fee then is here, or in the Printed Book, or by any other Law set down and established, and shall be legally convicted thereof, such Person so offending shall forfeit for every pound of *Tobacco* so exacted and taken, ten pounds of like, to the Person or Persons so overcharged, to be Recovered by Action of Debt; any Law, Custom, or Usage, to the contrary notwithstanding.

## XVII.

### An Act Restraining Striking and Killing Fish at Unseasonable Times.

**T**He Inhabitants and Freeholders of the several Counties of *Glocester*, *Middlesex* and *Lancaster*, by their Burgeffes at this Assembly, complaining that the striking and killing of Fish with Giggs and Harping-Irons, is very prejudicial, injurious, and destructive to themselves in particular, and the whole Countrey in General: And praying that by a Provincial Law, there may be Restraint put upon such striking and destructive killing of Fish, be-  
twixt

betwixt the Months of *March* and *November*. Be it therefore enacted by the Kings most Excellent Majesty, by and with the consent of the General Assembly, and it is hereby enacted by the Authority aforesaid, that from hence forward it shall not be lawful betwixt the first day of *April*, and the first day of *November*, for any person or persons whatsoever, to kill or strike any fish whatsoever within the bounds and limits on the Waters or Shoars of *Glocester County*, *Middlesex County*, or *Lancaster County*, with Gigg, Harping-Iron, or any other such like Instrument made, or to be made, of Iron, Wood, or other ways, upon Penalty of forfeiting and paying for every time, such Person shall be lawfully convict thereof, five hundred pounds of *Tobacco* and Cask, one half to the Kings Majesty, his Heirs and Successors, and the other half to him or them that shall inform thereof, and sue for the same, to be Recovered against every such Offender or Offenders, in any of his Majesties Courts of this Colony of *Virginia*, by Action of Debt, Bill, Plaint or Information, any Law, Custom, or Usage, to the contrary notwithstanding.

No Person shall strike or kill fish, betwixt the first of April, and the first of November, in the Counties of Glocester, Middlesex, & Lancaster, upon Penalty of forfeiting 500 l. of Tobacco.

Cccc

At

At a General Assembly, begun at  
**JAMES-CITY**, November 10. 1682.  
 and in the four and thirtieth Year, of the  
 Reign of our Sovereign Lord Charles the  
 Second, by the Grace of God, of England,  
 Scotland, France and Ireland King,  
 &c.

## I.

An Act to Repeal a former Law, making In-  
 dians, and others Free.

**V**V Heres by the Twelfth Act of Assembly held at  
*James City*, the third day of October, Anno Do-  
 mini, 1670. Entituled, *An Act, declaring who shall be*  
*Slaves*, it is Enacted, that all Servants not being Christians,  
 being imported into this Country by shipping, shall be  
 Slaves, but what shall come by Land, shall serve, if Boyes  
 and Girls, until thirty years of age; if men or women, twelve  
 years and no longer : And for as much as many *Negroes*,  
*Moors*, and *Mulattoes* and others born of, and in Heathenish  
 Idolatrous *Pagan* and *Mahumetan* Parentage and Country,  
 have heretofore, and hereafter may be purchased, procured  
 or otherwise obtained as Slaves, of, from, or out of such  
 their Heathenish Conutry by some well disposed Christian,  
 who after such their obtaining and purchasing such *Negro*,  
*Moor* or *Mulatto* as their Slave, out of a pious zeal have  
 wrought the conversion of such Slave to the Christian Faith,  
 which



which by the Law of this Country, doth not manumit them or make them free, and afterwards such their Conversion, it hath and may often happen, that such Owner or Master of such Slave, being for some reason enforced to bring or send such Slave into this Country to sell or dispose of, for his necessity or advantage, he the said Master or Owner of such servant which notwithstanding his Conversion is really his Slave, or his Factor or Agent must be constrained either to carry back or export again the said slave to some other place, where they may sell him for a slave, or else depart from their just right and Title to such slave, and sell him here for no longer time then the *English* or other Christians are to serve, to the great loss and damage of such Master or Owner, and to the great discouragement of bringing in such slaves for the future, and to no advantage at all, of the Planter or Buyer; and whereas also those *Indians* which are taken in War or otherwise by our Neighbour *Indians* Confederates or Tributaries to his Majesty and this his Plantation of *Virginia*, are slaves to them the said Neighbouring *Indians* that so take them, and by them are likewise sold to his Majesties Subjects here as slaves; Be it therefore Enacted by the Governour, Council and Burgeffes of this General Assembly, and it is Enacted by the authority aforesaid, that all the said recited Act of the third of October, 1670. Be and is hereby repealed, and made utterly void, to all intents and purposes whatsoever. And be it further Enacted by the authority aforesaid, that all servants except *Turks* and *Moors*, whilst in amity with his Majesty, which from and after Publication of this Act shall be brought or imported into this Country, either by Sea or Land, whether *Negroes*, *Moors*, *Mulattoes* or *Indians*, who and whose Parents and Native Country were not Christians at the time of the first purchase of such servants by some Christian, although afterwards and before such their importation, and bringing into this Country, they shall be converted to the Christian Faith, and all *Indians* which shall hereafter be sold by our Neighbouring *Indians*, or any other Trafficquing with us, and for as slaves are hereby adjudged, deemed and taken, and shall be adjudged, deemed and taken to be slaves to all intents and purposes, any Law, Usage or Custome to the contrary notwithstanding.

*Indian  
Slaves &c.  
though after-  
wards Conver-  
ted to Chri-  
stianity, shall  
not withst-  
anding continue  
Slaves still.*

## II.

## An Act declaring Indian-Women-Servants Tythables.

W<sup>H</sup>ereas it hath been doubted, whether *Indian-Women-Servants* sold to the *English*, above the age of sixteen years, be Tythables ; Be it enacted and declared, and it is hereby enacted and declared by the Governour, Council and Burgeses of this General Assembly, and the authority thereof, That all *Indian-Women* are and shall be Tythables, and ought to pay Levies in like manner, as *Negro Women* brought into this Country, do and ought to pay.

## III.

## An Additional Act for the better preventing Insurrections by Negroes.

W<sup>H</sup>ereas a certain Act of Assembly held at *James City*, the eighth day of *June*, in the year of our Lord, 1680. Entituled, *An Act preventing Negroes Insurrections*, hath not had its intended effect for want of due notice thereof being taken ; It is enacted by the Governour, Council and Burgeses of this Present General Assembly, and by the authority thereof, that for the better putting the said Act in due execution, the Church-Wardens of each Parish in this Country, at the charge of the Parish, by the first day of *January* next, provide True Copies of this and the aforesaid Act, and make, or cause entry thereof to be made in the Register

gister Book of the said Parish, and that the Minister or Reader of each Parish, shall twice every year, viz. Some one Sunday or Lords-day in each of the Months of September and March, in each Parish-Church or Chappel of Ease, in each Parish, in the time of Divine Service after the Reading of the Second Lesson, Read and Publish both this present and the aforesaid recited Act, under Pain such Church-Warden, Minister or Reader making default, to forfeit each of them six hundred pounds of Tobacco, one half to the Informer, and the other half to the use of the Poor of the said Parish. And for the further better preventing of such Insurrections by Negroes or Slaves; Be it likewise Enacted, and it is hereby Enacted by the authority aforesaid, that no Master or Overseer, shall at any time after the twentieth day of January next, knowingly permit or suffer without the leave or licence of his or their Master or Overseer, any Negro or Slave not properly belonging to him or them, to remain or be upon his or their Plantation above the space of four hours, at any one time contrary to the intent of the before recited Act, upon pain to forfeit being thereof lawfully convicted before some one Justice of the Peace within the County where the Fact shall be committed, by the Oath of Two Witnesses at the least, the Sum of two hundred pounds of Tobacco in Cash, for each time so offending, to him or them that will sue for the same, for which the said Justice is hereby empowered to award Judgment and Execution.

*The Act of the eighth of June, 1680. for preventing Insurrections of the Indians, shall be read publicly in all Churches and Chappels of Ease twice every year.*

*No person shall permit any Indian or Slave, not belonging to him, to continue on this Plantation above four hours without leave of the said Indians or Slaves Master.*

#### IV.

An Act Prohibiting the Exportation of any Iron, Wool, Wolfels, Skins, Hides, or Leather.

Whereas it is found by experience that Iron, Wool, Wolfels Skins and Hides, Tanned or Untanned, of any Deer, Ox, Steer, Bull, Cow, or Calf, are very necessary and profitable for the use, and support of the Country, and

D d d d

would



would be found profitable for the setting to work many men women and children in this Country, which lye idle for want of Employment, some naked for want of such Necessaries as might be wrought out of the same, which they are kept from by Reason of the great quantities of them Yearly exported out of the Country, to the great Impoverishment of the Inhabitants thereof; for the better preventing and avoiding such Losses and Inconveniencies that have happened, and do and may happen to this Dominion, by and through the carrying and conveying away, the Exportation and Transportation of Iron, Wool, Woolfs-Skins, or Hides Tanned or Untanned, of any Deer, Ox, Steer, Bull, Cow or Calf, out of and from this Country, and for the better setting on work the poorer and weaker sort of People of this Country, and to the intent that the full and best use and benefit of such principal Native Commodities, may come and redound, and be unto and amongst the Inhabitants of the same, the House of Burgeses now assembled, do pray that it may be enacted, and be it enacted, by the Governour, Council, and Burgeses of this General Assembly, and by the Authority of the same, That no person or persons whatsoever, from and after the first day of *January* next, shall directly or indirectly, export, transport, carry, or convey, or cause to be exported, transported, carryed or conveyed out of, or from the Dominion or country of *Virginia*, into any parts or places out of the same, any Iron, Wool, Wolfels, Skins, or Hides, or any manner of Leather, Tanned or Untanned, of any Deer, Ox Steer, Bull, Cow or Calf, nor shall directly nor indirectly load or lay on board, or cause to be loaden or laid on board, in any Ship, Sloop, Boat or other Vessel, in any place or port within this Dominion; any such Iron, Wool, Woolfels, Skins, or Hides, Tanned or Untanned, of any Deer, Ox Steer, Bull, Cow or Calf, except only such Hides and Iron as shall appear by the Oath of the Owner, to be directly transporting to some Tan-house or Smiths in this Country, to be there wrought up. And be it further enacted, by the Authority aforesaid, that all and every the Offender and Offenders, Offence and Offences aforesaid, shall be Subject and Lyable to the Respective Pains Penalties, and Forfeiture hereafter following, (that is to say,) the said Iron, Wool, Woolfels, Skins, or Hides, or any manner of Leather, Tanned or Untanned, of any Deer, Ox, Steer, Bull, Cow, or Calf, so put on board, to be Exported, Transported, carryed, conveyed, or loaden, contrary to this

Forfeiture of  
Iron, Wool,  
Hides, &c.  
(Tanned or  
Untanned) put  
on Board for  
Exportation.

Act,



Act, shall be forfeited; and that every Offender and Offenders therein, shall forfeit forty pounds of Tobacco, for every pound of *Wool*, and *Woolfels*, and one hundred and fifty pounds of Tobacco, for every *Skin* or *Hide*, or any manner of *Leather Tanned* or *Untanned*, of any *Deer*, *Ox*, *Bull*, *Cow* or *Calf*; and Ten Pounds of *Tobacco* for every pound of *Iron*, and also the Owner or Owners, of such *Ship* or *Vessel*, knowing such Offence, shall forfeit all their Interest in the said *Ship* or *Vessel*, with all their *Apparel* and *Furniture*, to them and every of them belonging, and the *Master*, *Marriner* or *Seamen* thereof knowing such offence, or being aiding or assisting thereunto, shall forfeit all their *Goods* and *Chattels*, and have *Imprisonment* for the space of three months without *Bail* or *Mainprize*, the one Moity of which said *Penalties* and *Forfeitures*, shall be to the *Kings Majesty*, his *Heirs* and *Successors*, and the other Moity to him that will sue for the same, by action of *Debt*, *Bill*, *Plaint* or *Information* in any *Court of Record*, wherein no *Essoin*, *Protection* or *wager of Law* shall be allowed. And be it further enacted by the authority aforesaid, That every offence that shall be done or committed contrary to this Act, shall and may be enquired of, heard, examined, tryed and determined in the *County*, where such *Iron*, *Wool*, *Woolfels*, *Skins*, or *Hides*, or any manner of *Leather Tanned* or *Untanned*, of *Deer*, *Ox*, *Steer*, *Bull*, *Cow* or *Calf*, respectively shall be so laden or laid on Board as aforesaid, contrary to this Act, or else in the *County* where such Offender shall happen to be apprehended or arrested for such Offence, in such manner and form, and to such effects to all intents and purposes, as if the same had been wholly and altogether committed at, and in such *County*.

*Penalty upon  
such as are  
privy thereto.*

Provided always, and be it Enacted by the authority aforesaid, that no person or persons whatsoever, shall at any time hereafter, be impeached for any offence aforesaid, unless such person or persons shall be Prosecuted within two years next ensuing such offence committed. And be it further Enacted by the authority aforesaid, that it shall and may be lawful, to and for any person or persons, to seize, take and challenge to his and their own use and behoof, and to the use of the *King*, his *Heirs* and *Successors*, all and all manner of such *Iron*, *Wool*, *Woolfels*, *Skins* or *Hides*, *Tanned* or *Untanned*, of *Deer*, *Ox*, *Steer*, *Bull*, *Cow* or *Calf*, as he or they shall happen to see, find, know of, or discover to be laid on Board of any *Ship* or other *Vessel* or *Boat*,

*Prosecution  
shall be made  
within two  
years after  
the Offence  
committed.]*

*Any Person  
may make  
seizure of  
such Iron,  
Wool, Hides,*

*Exc. as are  
found on  
Boards for  
exportation,  
and shall have  
the Moiety  
thereof for so  
doing.*

Boat, to the intent and purpose to be exported, or conveyed out of the Country, contrary to the true meaning of this Act, and that such person or persons that shall happen to seize, take or challenge any such Iron, Wool, Woolfells, Skins or Hides, Tanned or Untanned, of Deer, Ox, Steer, Bull, Cow or Calf, as aforesaid, shall have the full Moiety thereof to all intents and purposes. And be it further enacted by the authority aforesaid, that whatever person or persons, shall from and after the first day of January next, sell or dispose, vend or barter, to or with any Merchant not being an Inhabitant of this Country, or to or with any Master of, or Mariner, or other person, belonging to any Ship, Vessel, Boat or Sloop, any Iron, Wool, Woolfells, Skins or Hides, or any manner of Leather Tanned or Untanned, of any Deer, Ox, Steer, Bull, Cow or Calf, the person or persons so offending, (and being thereof lawfully convicted) shall forfeit and pay for every Hide, or any manner of Leather Tanned or Untanned, of any Deer, Ox, Steer, Bull, Cow or Calf, one hundred pounds of Tobacco, and for every pound of VVool or Woolfells, twenty pounds of Tobacco, and for every pound of Iron, five pound of Tobacco sold, so disposed or bated as is aforesaid, the one half to his Majesty, his Heirs and Successors, and the other half to him or them that will sue for the same, by Action of Debt, Plaint or Information, in any Court of Record, wherein no Essoin, Protection or wager of Law shall be allowed or granted. And for the better putting this Act into Execution, Be it enacted by the authority aforesaid, that all Justices of the Peace in every Respective County, be required and enjoined upon notice to him or them given, of any Skins, Iron, Wool, VVoolfells, Hides, Tanned or Untanned, of any Deer, Ox, Steer, Bull, Cow or Calf, being on Board any Ship, Sloop or Vessel, or of any opposition, resistance, made in the seizure thereof, to issue out his VVarrant, to the High-Sheriff, Under-Sheriff, Constable or other Officer Requiring them to go on board such Ship, Sloop, or Vessel, and there to make diligent search and seizure of the said Hides, Skins, Iron, Wool, Woolfells, or any Leather, Tanned or Untanned, found on board the Ship, Sloop, or Vessel; or if any Justice or Justices of the peace, upon Request to him or them made, Refuse or Neglect to Issue out Warrant, or any Sheriff, under-Sheriff, or other Officer, shall Refuse to execute such Warrant, he or they so offending, shall forfeit three thousand pound of Tobacco and Cash; or if

*Justices of  
Peace shall  
sue Warrants  
to the Sher-  
iffs or other  
Officers to be  
assisting in  
the seizure in  
case of Opposi-  
tion.*

if any person or persons, shall upon command made to him in his Majesties Name, refuse to be aiding or assisting to such Sheriff, or other Officer in the Execution of such Warrant, every such person so offending, shall forfeit the sum of one thousand pounds of Tobacco with Cask, one half of all such Fines and Forfeitures to be paid to the Kings Majesty, and the other half to him or them that will inform to be recovered as is before directed; And it is further Enacted by the authority aforesaid, that every Collector in this Country, shall at the entry of every Ship or Vessel, acquaint every Master of such Ship or Vessel with this Act, and enter a particular clause in the condition of their Entry-Bond, for the performance of the same.

*Penalties upon such Justices, Sheriffs, and others as shall not give due obedience to this Act.*

Provided alwayes, and it is the true intent and meaning of this Act, that if any person or persons, shall hereafter be sued or impleaded by vertue hereof, for the breach of any clause or prohibition herein contained upon the Forfeitures or Penalties herein before mentioned, expressed or provided, that then and in such case such person or persons so prosecuted, sued or impleaded, shall not be liable be subject to be sued, impleaded or Prosecuted by any other Law heretofore made or provided against the exportation of any of the Hides, Iron, Wool, Skins, or other things herein before enumerated, any other or former Law, Custom or Usage to the contrary notwithstanding.

*The time this Act shall continue in force.*

Provided also, that this Act shall continue in force until the tenth day of November, which shall be in the year of our Lord, 1684. and from thence, to the end of the next Session of Assembly.

V.

An Act Directing how Commissions of Dedimus Potestatem, and other Writs, shall Issue.

Whereas the present course of signing Commissions of Dedimus Potestatem Writs of Execution, and Attachment by the Governour, in causes depending in the General Court, is found by experience to be very Burthen-  
E e e e
some



*A Dedimus  
Poteftatem,  
may be figned  
by any Mem-  
ber of the  
Council.*

*Writs of Exe-  
cution and  
Writs of At-  
tachment how  
to iffue.*

some and grievous to Suiters, the Burgefles now afsembled do pray, That it may be enacted, and be it enacted, by the Governour, Council, and Burgefles of this prefent General Affembly, and by the Authority thereof, that all Writs or Commiffions to examine witneffes called *Dedimus Poteftatem*, at the Request of either of the Parties, Plaintiff, or Defendant in any caufe now depending, or which fhall or may hereafter depend in the General Court, fhall and may be iffued and figned by any one of the Honourable Council in fuch Form, and according to fuch Rules and Directions as are by Law already prefcribed and laid down, and that all writs of Execution, and writs of Attachment awarded by any Order or Judgment of the faid Court, fhall and may be iffued forth of the Secretaries Office, by the Clerk there attending, and for that purpofe authorized by the Secretary, and by him figned, without putting the parties to the trouble of attending, or fending to the Governour for his fign, as hath been formerly ufed, and all fuch writs to be Returnable to the Secretaries Office, any former Law, Cuftom or Ufage, to the contrary notwithstanding.

## VI.

### *An Act Repealing the fixth Act of Affembly, of June, 1680. about Attorneys.*

**F**Orasmuch as the fixth Act of Affembly made at *James City*, the 8th. day of *June*, 1680. concerning Attorneys, is found inconvenient, Be it therefore enacted, by the Governour, Council, and Burgefles of this General Affembly, and it is enacted by the Authority aforefaid, that the aforefaid Act of Affembly, and every claufe thereof, from henceforth be Repealed, and made Void.



## VII.

*An Act Disbanding the present Souldiers in Garrison, in the Forts, at the Heads of the several Rivers; as also, for the Raising of other Forces in their stead.*

W<sup>H</sup>ereas the present *Garrisons* in the several Forts, built according to an Act of Assembly, held at *Jamer-City*, the 8th day of *June*, 1680. Intituled, *An Act for Continuation of the several Garrisons and Fortifications at the heads of the four great Rivers*; are by experience found very burthenfom, and chargeable to the Country, and forasmuch as the apprehensions of Dangers, from the Incursions of certain *Indian-Enemies*, induced that Assembly to erect those Forts, and place those *Garrisons* in them; are for the most part removed by peace, concluded with those *Indians* then our *Enemies*; the House of Burgeses now assembled, do pray, that it may be enacted, and be it enacted by the Governour, Council and Burgeses of this General Assembly, and by the authority thereof that the several Forts and Garrisons be dismantled, and the Forces, Officers, and Souldiers therein, and in each of them disbanded, some time between this and the 30th. day of this instant *December*, and that each Officer and Souldier by the time aforesaid, do actually deliver up his Horse, Arms and Furniture, to the Respective Owners of them; and forasmuch as it may be dangerous and of evil Consequence, to leave the frontiers of the Country, and heads of the aforesaid Rivers, altogether unguarded; it is hereby enacted, that twenty men well furnished with Horses and all other Accoutrements, be raised and listed in each of the Counties of *Henrico*, *New-Kent*, *Rappahannack*, and *Stafford*, of such House-keepers belonging to the said Counties, as shall voluntarily offer themselves for this Service, and for want of such or so many House-keepers that then the said Number shall be made up of such freemen as shall willingly offer themselves, and give security to the *Militia-Officers* of that County, to perform all services and other things, as by this Act is enjoyned them, but in case

*Twenty Men well furnished with Horses shall be raised in each County viz. of Henrico, New-Kent, Rappahannack and Stafford.*

case such twenty men, quallified as aforesaid, shall not be found in each of the said Counties, then it shall and may be Lawful for the *Militia*-Officers of the said Counties, to impress such and so many men furnished as aforesaid, as shall be wanting to compleat the number required by this Act; and his Excellency the Governour General, or in his absence the Right Honourable the Lieutenant, or Deputy Governour is hereby desired to make choice of, and commissionate some fit and able Person, in each of the aforesaid Counties, who is a House-keeper, therein to command, lead, train, conduct, and exercise the said Twenty souldiers to be raised in the said County, of which he shall be appointed and commissioned, by his Excellency the Governour General, the Lieutenant or Deputy Governour, as is aforesaid. And it is further enacted, That the chief Officers of the *Militia* in each of the said Respective Counties, shall make choice of the most able and fittest person, out of such twenty men, as to them shall seem most fit and convenient to be Corporal of the said Troop of that County, who in the absence of the Captain of the Troop occasioned by sickness or otherwise, is to Lead, Train, Command, and Exercise, the said Troop, or Company of Twenty Men; and be it enacted by the Authority aforesaid, That the pay of each Officer and Souldier shall be as followeth, to the Captain of each Troop, finding himself Horse, Armes, Ammunition and Provision, eight Thousand pound of Tobacco, with Cask, out of the Publick Levy, for one whole year, and so after that Rate for a shorter or longer time; To the Corporal of each Troop, Three Thousand Pounds of Tobacco with Cask, as aforesaid for one whole year, and so after that Rate, for a longer or shorter time, to each Souldier finding himself Horse, Armes, Furniture, Provision, Ammunition, and other necessaries as aforesaid, two thousand pound of Tobacco in Cask, as aforesaid, and so after that Rate, for a longer or shorter time. And be it enacted by the authority aforesaid, that each Captain, or in his absence, his Corporal shall once every Month, Muster, Train, Exercise, Instruct, and Discipline the Troop or Souldiers under his Command, on pain to forfeit five hundred pounds of Tobacco in Cask for every time, he shall neglect such Muster or Exercise, unless occasioned by sickness, and that every Captain, or in his absence, occasioned by sickness, his Corporal shall at the least once in every fourteen

*The Captain of each such troop consisting of 20 men shall have 8000l. of Tobacco and Cask per Annum.*

*Corporals and private Souldiers pay.*

*The said troops shall be trained and Exercised once a Month.*

fourteen days, Range and Scout, about the Frontiers of the County, for which they serve, and in such other places as shall be most likely for the Discovery of the Enemy, under pain of forfeiting for every time, he shall neglect such Ranging and Scouting, one Thousand pounds of Tobacco and Cask; and that every Souldier that shall neglect or omit to appear at such Muster, shall forfeit one hundred pounds of Tobacco in Cask, and for not Scouting and Ranging as aforesaid, two hundred pounds of Tobacco and Cask, for every such default; all which Forfeitures to be Recovered by Action of Debt, by him or them, that will inform, the one half to the Informer, and the other half to the use of the County. And be it further enacted, by the authority aforesaid, that upon Notice, Advice, or Discovery of the Approach or Attempt of any Enemy, the said Captain or Corporal of the Troop, is hereby Required to give speedy Advice thereof, to some one or more of the chief Officers of the Militia, and he or they to his Excellency the Governour, the Right Honourable the Deputy Governour, or some one of the Honourable Council; and in the mean time, to observe and attend the Motion of the Enemy only, unless he shall obstinately persist to commit Acts of Hostility, and in such cases of Necessity to engage or destroy them, if he see cause; and in all things to attend and execute such Orders and Commands as he shall receive from the Governour and Council. And it is further enacted, That for their better Management, and Ordering their Horses, and making them fit for service, no Souldier presume to use or bring to service any other Horse, then that only which shall be first Mustered, and approved of, of which each Captain is to take such Particular Notice as that he may know the Horse again, unless in case such Horse shall be by some accident made unfit for service, in which case such Souldier may provide himself of another able Horse in his stead, which he is likewise not to part with, unless for his first Horse again: and this Act to continue in force for three years, from the first day of January now next ensuing.

*And shall once in every 14. dayes range & scout about the frontiers of the County for which they serve.*

*The Captain of the said troop upon approach of any Enemy, shall give Notice thereof to the Officers of the Militia.*

Provided always, and be it enacted by the Authority aforesaid, That the aforesaid Recited Act of the 8th. of June, 1680. Intituled, *An Act for the Continuation of the several Garrisons and Fortifications at the Heads of the four great Rivers*, be Repealed, and it is hereby Repealed for three years, under his Majesties good Liking, and after until

fff

his



his Majesties Pleasure, shall be signified to the contrary, any thing herein to the contrary notwithstanding.

### VIII.

*An Act imposing further Penalties upon any person or persons that shall Publish, or Declare that the Acts of Assembly of Virginia are not of force.*

**T**His Assembly taking into their serious consideration, that divers ill disposed persons, wickedly intending to invalid the Laws of this Country, and bring them into contempt and disrepute, have moved and stirred certain doubts, whether there be any Laws in force and efficacy, so as to be binding to his Majesties Subjects, being in this his Majesties Dominion of *Virginia*; for preventing of such mischiefs, Be it enacted by the Governour, Council and Burgeses of this General Assembly, and it is hereby Enacted and declared, That if any person or persons shall at any times after the Publishing this Present Act, maliciously and advisedly publish and declare, by words or writing, the Acts of Assembly of *Virginia*, not repealed, expired, vacated or annulled by the Kings Most Excellent Majesty, are not of force, or binding within this his said Majesties Dominion, to all his Majesties Subjects inhabiting, or being therein, such person or persons so offending, shall be adjudged, deemed and taken to be factious and seditious, and contemnors of the Laws, and being thereof lawfully Convicted, shall for the first offence be fined one Thousand Pounds of *Tobacco*, and suffer one months Imprisonment, without Bail or Mainprize; and for the second offence, Two Thousand Pounds of *Tobacco*, and two months Imprisonment, and for every such offence after, double the Penalties and Forfeitures aforesaid, one half of which Forfeitures to the Kings Majesty, his Heirs and Successors, and the other half to the Informer, to be recovered by action of Debt, in any of his Majesties Courts, in this his Majesties Country; which said Penalties are to be added and imposed



imposed over and besides all other Punishments that may be legally inflicted on such Offenders.

IX.

An Act Repealing an Exception in the 9th Act of Assembly, made Anno 1664.

Whereas the 9th Act of Assembly made at James City, the twentieth day of September, 1664. Intituled, *An Act concerning Arrests in Court-time*, exempt the Inhabitants of James-City-County from the benefit thereof, leaving them lyable to Arrests in time of General Courts and Assemblies, which is found injurious to many of the Inhabitants of the said County; Be it therefore enacted by the Governor, Council and Burgeses of this General Assembly, and it is enacted by the authority aforesaid, that the latter clause of the said Recited Act, whereby the Inhabitants of the said County are excepted out of the said Act, be repealed and made void, and that the Inhabitants of the said County, have equal benefit of the said Recited Act, with the other Inhabitants of this Country.

*The Inhabitants of James-City-County, freed from Arrests, during the General Assembly.*

Provided alwayes nevertheless, that this Act shall not extend to the Inhabitants of James-City, but that they and every of them, shall be lyable to Arrests in Court-time, as though the Exception in the said Act of Assembly, Anno 1664. did still remain in full force, any thing in this Act before mentioned to the contrary notwithstanding.

*But not the Inhabitants of James-City.*

X.

An Act that Witnesses be free from Arrests.

Forasmuch as many Persons Summoned or Subpena'd as Evidences in Causes depending in the Courts of this Countrey many times fail in appearing, for fear of being Arrested, when they appear at Courts as Witnesses, where-

whereby many times many Inhabitants of this Countrey lose their Suits and just due ; Be it enacted by the Governour, Council and Burgeses of this General Assembly, and it is enacted by the Authority aforesaid, that from henceforth all Persons Subpena'd as Evidences, or Witnesses in any Cause or matter depending in any Court in *Virginia*, shall be free from Arrests for any Debts or Trespas, except at the Kings Suit, during their Attendance at Courts, and their direct coming to Court, and Returning Home.

# XI.

## *An Act for the Encouragement of the Manufactories of Linnen and Woollen Cloth.*

BE it Enacted by the Governour, Council, and Burgeses of this General Assembly, and it is hereby Enacted by the Authority aforesaid, That what person or persons soever shall produce to the County-court, where he or they shall Reside, a Certificate under the hands of two Justices of the Peace of the same County, (whereof one to be of the *Quorum*) that such Person or Persons have produced to them upon Oath, of his or their own Growth or Manufacture, a greater or lesser Quantity of Flax Seed, Hemp-Seed, or either of them, shall have given and allowed him or them for encouragement to persist in so useful a Manufacture for every peck of flax-seed, four and twenty pounds of Tobacco, and for every Peck of Hemp-seed, twenty pounds of Tobacco, for which the County-Court is impowered to give every person or persons Certificate thereof, attested by their Clerk, which shall be a sufficient proof to the General Assembly to order the said person or persons their said encouragement out of the Publick Levy ; provided such Certificate from the Justices to the County-Court, be filed at the Court, and fixed up there, to the intent that all persons whatever, may have a view of the same. And be it further Enacted by the authority aforesaid, that what person or persons soever, shall by his industry of his own growth and manufacture work up his flax and Hemp, fit for the spindle, and

24 l. of Tobacco allowed by the publick for every peck of Flax-Seed, of the Growth of the Countrey, and 20 l. of Tobacco for every peck of Hemp-seed.

and produce the same to the next County-Court, or make the same appear by Certificate as aforesaid for every pound so wrought up either of Flax or Hemp, he or they shall be allowed two pounds of *Tobacco* for his or their encouragement by the Publick, and a Certificate thereof shall be given from the said County-Court, to the General Assembly, which Certificate shall be a sufficient proof for him, to be allowed out of the Publick Levy. And be it further Enacted by the authority aforesaid, that for the further and better encouragement of the aforesaid Manufacture of Hemp and Flax, and for the working up our Wool into Cloth, that every person that shall make or cause to be made, the said Hemp or Flax, so wrought to the Spindle as aforesaid into Linnen-Cloth, that such person or Persons shall be allowed for every Ell of such Linnen, that shall be three quarters of a yard wide or more, six pounds of *Tobacco*, and for every yard of Woolen-Cloth or Linsey Woolsey of the like breadth six pounds of *Tobacco*, to be paid by the Publick; such person or persons producing the said Linnen or Woolen-Cloth, or Linsey Woolsey to the County-Court, where he or they shall reside, who are hereby required and empowered to examine and enquire, and take proof, that the said Linnen, or Woolen, or Linsey-Woolsey, are of their proper growth and manufacture, and accordingly Certifie the same to the next Assembly, which Certificate shall be received as proof to the Assembly, for the allowing thereof, out of the Publick Levy. And whereas it is well hoped, that by the encouragement aforesaid, there will be such great quantities of Flax-Seed, and Hemp-Seed, produced in this Country, as will abundantly furnish the Inhabitants for the end and purposes hereafter mentioned, and that the Inhabitants be remembered carefully to provide themselves seed the next ensuing year for the year following; Be it further enacted by the authority aforesaid, That every Tythable Person that shall be in the Countrey in the year 1684. according as he is usually noted, or set down in the List of Tythables, shall make or cause to be made, one pound of Dressed Flax, and one pound of dressed Hemp, or two pounds of either, and yearly, and every year thereafter, under the Penalty of fifty pounds of *Tobacco*, for every pound of Flax or Hemp neglected or omitted to be made as aforesaid, the same to be paid, the one half to the County, the other to the Informer, by such Master, Owner, or Overseer, of any family or company of Servants or any other Tythable that shall be found to neglect or omit as aforesaid,

*Allowance for Flax or Hemp wrought.*

*Allowance for the same made into Cloth, also for Woolen Cloth, and for Linsey-Woolsey.*

*For Every Tythable in the year 1684. shall be made one pound of Flax and one pound of Hemp dressed, or two pounds of either and so yearly after.*

Gggg



*The Penalty  
of a Default.*

*Allowance by  
the Publi<sup>k</sup>  
for Hats made  
of Wool or  
Furr of the  
growth of  
this Country.*

*The time this  
Act shall con-  
tinue in force*

foreſaid, & for the better diſcovery of ſuch neglect or omiſſion, that all Maſters, Owners, or Overſeers, who have the charge of Families, and company of Servants and other *Tythables*, ſhall at ſome convenient time before the laying of the Levy in the Reſpective Counties, produce before ſome Juſtice of the Peace of the County, the aforeſaid quantity of Hemp, or Flax, as is herein enjoyned to be made, and the ſame deliver upon Oath, which Oath the ſaid Juſtice is hereby empowered to adminiſter, that the Flax or Hemp ſo produced, is of his own growth and manufacture. And be it further enacted by the authority aforeſaid, that there ſhall be allowed and paid out of the Publi<sup>k</sup> Levy, for every well-wrought Hat, made of Wool or Furr in this Country to the maker thereof, ten pounds of *Tobacco*; and for every dozen pairs of mens or womens woolen or worſted Hoſe, twelve pounds of *Tobacco*, to be proved and certified in ſuch manner and form, as in this Act before is expreſſed, for Linnen and Woolen-cloth.

Provided alwayes nevertheleſs, and it is the true intent and meaning of this Act, that this Law ſhall continue in force, until the tenth day of *November*, which ſhall be in the year of our Lord 1685. and no longer, any thing in this Act before contained to the contrary notwithstanding.

## XII.

### *An Act for the Advancement of Manufactures of the growth of this Country, and for the better and more ſpeedy payment of Debts and Levies.*

**F**Or encouragement of Manufactures and improvement of Commodities of the growth of the Country, and alſo aſcertaining the Rates and Prices Be it enacted by the Governour, Council and Burgeſſes of this General Aſſembly, that all Debts either in Money or *Tobacco*, contracted after publication hereof in this his Majesties Colony and Dominion of *Virginia*, where the Debtor upon demand of the Creditor, cannot pay the ſame in ſpecie or kind, and ſhall upon his Oath declare before ſome one



one Justice of the Peace, (which Oath the said Justice is hereby impowered and required to administer) the sum of money or quantity of *Tobacco* he hath here or else-where, and shall make tender of so much toward payment of his Debt. that then and in such case it shall and may be lawful for every such Debtor to make payment of his Debt or the Remainder thereof in the Commodities and Manufactures of this Country hereafter mentioned; at the Rates and Prices hereafter following, viz.

*Debts may be paid in Commodities of the growth and Manufactures of this Country.*

*Tobacco* at ten shillings *per Cent*; Wheat, *English* Pease, and Galavances, at four shillings, or forty pound of *Tobacco per Bushel*; Barley, Oates, and all other *Indian* Pease, at three shillings seven pence farthing, or thirty six pound of *Tobacco per Bushel*; *Indian* Corn shelled, two shillings, or twenty pound of *Tobacco per Bushel*; Flax from the break or Swingle, seven pence farthing, or six pound of *Tobacco per pound*; Hemp rended, pealed, or braked, four pence three farthings, or four pound of *Tobacco per pound*; Wool washed before shearing, nine pence three farthings, or eight pound of *Tobacco per pound*; Butter six pence, or five pound of *Tobacco per pound*; Tallow four pence three farthings, or four pound of *Tobacco per pound*; Fresh Pork with head, feet, and leaf, or without, twelve shillings, or one hundred and twenty pound of *Tobacco per Cent*; Fresh Beef, ten shillings, or one hundred pound of *Tobacco per Cent*; Inch Plank for one thousand foot, fifteen shillings, or one hundred and fifty pound of *Tobacco*; Tar in Barrel, cont. thirty two Gallons, fifteen shillings, or one hundred and fifty pound of *Tobacco*; Pipe-Staves *per* thousand, six-score to the Cent. three pound, or six hundred pound of *Tobacco*; Hogshead-Staves *per* thousand, six-score to the Cent. two pound eight shillings, or four hundred and eighty pound of *Tobacco*; Barrel-Staves *per* thousand, six-score to the Cent, one pound thirteen shillings seven pence farthing, or three hundred thirty six pound of *Tobacco*; Buck-Skins drest, each two shillings four pence three farthings, or twenty four pound of *Tobacco*; undrest one shilling two pence farthing, or twelve pound of *Tobacco*; Doe-Skins drest, each one shilling nine pence halfpenny, or eighteen pound of *Tobacco*; Undrest, eleven pence, or nine pound of *Tobacco*.

*At what Rates such Commodities shall be valued.*

Which Commodities must be at the time of tender, good, sound, wholsom, and Merchantable, in their kind; and if any difference happen therein, the same shall be determined by two of the Neighbourhood, appointed and required

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*This Act extends not to quit Rents, & Customs. How long this Act is to continue in force.*

ed thereunto, by the next Justice of the Peace. Provided : and it is hereby enacted and declared, that this Act or any thing therein contained, doth not extend to the Quit-Rents or other his Majesties Dues or Customs.

Provided always nevertheless, and it is the true intent and meaning of this Act, that this Law shall continue in force, until the tenth day of *November*, which shall be in the year of our Lord, 1685. and no longer, any thing in this Act contained, to the contrary notwithstanding.

### XIII.

#### *An Act for the Publick Levy.*

**B**E it enacted by the Governour, Council, and Burgesses of this General Assembly, and the Authority thereof, that the sum of eighty nine pounds of *Tobacco* be paid by every tythable Person within this his Majesties Colony and Dominions of *Virginia*, for the payment and defraying of the publick charge of the Country, being the publick Levy for this present year, and that it be paid by the collectors of the severall counties, to the severall Persons, to whom it is proportioned by this Present General Assembly.

FINIS.

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